September 25, 1958

MEMORANDUM FOR MR. TOLSON
MR. BELMONT
MR. MOHR
MR. NEASE
MR. SIZOO
MR. STAPLES

The Attorney General stated that he desired the staff to give serious consideration to any ideas concerning the handling of civil rights matters. He commented at some length upon the recent speeches which he has made on this subject and stated he was scheduled to make a speech in California in the early part of October in which again he would deal with the theme that the decisions of the Supreme Court must be obeyed, otherwise we do not have orderly government. He stated he did not intend that the impression should be given that there could not be criticism of decisions of the Court, but he felt that such criticisms should be constructive and not directed at the Court as an institution nor to the individual members of the Court.

CRIMINAL FILED IN 62-107057

62-27585-1

NOT RECORDED
117 SEP 29 1958

F399

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. Rosen

DATE: October 17, 1958

FROM : [redacted]

Tolson
Boardman
Belmont
Mohr
Nease
Parsons
Rosen
Tamm
Trotter
Clayton
Tele. Room
Holloman
Gandy

SUBJECT: [redacted]
SUPREME COURT NAME CHECK REQUEST

[redacted], born [redacted] at [redacted] is subject of name check request received in the Name Check Section on October 15, 1958, from [redacted] Marshal, Supreme Court of the United States. The incoming Form 57 does not reflect the kind of position applied for by [redacted]

Bufiles contain no information re [redacted]

Memorandum Nichols to Tolson dated 9-3-57, reflects that the Director has instructed that no action be taken concerning any requests received from the Supreme Court until the matter has been presented to him and he personally rules on the request.

RECOMMENDATION:

That if approved by the Director, the Form 57 be stamped "No Derogatory Data" by the Name Check Section, Investigative Division, and returned to the Office of the Marshal, Supreme Court of the United States.

stamped 10/20/58 ret to Supreme Court 10/20-58

62-17585-127

REC-3

OCT 21 1958

EX-132

[redacted]

(4)

63 OCT 24 1958

The attached airtel from the Washington Field Office advises that [redacted] who resides in Spr...gfield, Virginia, received an anonymous telephone call on 10/13/58, wherein the caller said: "Please help destroy the terrible Communist dominated Supreme Court." The caller then hung up.

b6, b7C

The Washington Field Office has furnished this information to the Marshal of the U. S. Supreme Court.

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Nease
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. W.C.Sullivan
Tele. Room
Mr. Holloman
Miss Gandy

AIRTEL

TO: DIRECTOR, FBI

10-14-58

FROM: SAC, WFO (62-0)

~~THREAT AGAINST THE SUPREME COURT~~
10-13-58
MISCELLANEOUS

Enclosed for the Bureau are the original and six copies of a letterhead memorandum, and for the Richmond Division one copy of this letterhead memorandum concerning information received on 10-13-58 by [redacted] requesting aid in destroying the Supreme Court.

This information was furnished on 10-14-58 to [redacted] Marshal, U. S. Supreme Court.

3-Bureau (Encls. 7) ENCLOSURE
1-Richmond (Encl. 1)
1-WFO

[redacted]

AIRTEL

Wick

REC-86

62-27585-128

24 OCT 20 1958

66 OCT 29 1958

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

WASHINGTON 25, D. C.

October 14, 1958

THREAT AGAINST THE SUPREME COURT

[redacted] Springfield, Virginia, telephonically advised the Washington Field Office, Federal Bureau of Investigation, on October 13, 1958, that on that date he had received an anonymous telephone call from an unknown male who stated the following:

"Please help destroy the terrible Communist dominated Supreme Court." [redacted] stated that the caller then hung up.

This memorandum is loaned to you by the Federal Bureau of Investigation, and neither it nor its contents are to be distributed outside the agency to which loaned.

COPIES DESTROYED
161 AUG 13 1964

ENCLOSURE

6 - 27585 - 128

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: 10/10/58

FROM : SAC, MIAMI (62-0)

SUBJECT: CRITICISM OF SUPREME COURT
MISCELLANEOUS - INFORMATION
CONCERNING

There is enclosed a self-explanatory Letterhead Memorandum.

2 - Bureau (Encl.4)
1 - Miami
[redacted] (3)

1 ENCLOSURE

REC-7

62-27585-129

OCT 13 1958

[redacted]

[redacted]

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Miami, Florida
October 10, 1958

CRITICISM OF SUPREME COURT

b6, b7C

[redacted], "Orlando Sentinel," Orlando, Florida, advised the following had been received anonymously in an envelope postmarked October 6, 1958, Orlando, Florida:

> Clipping of newspaper headline " Pre-Dawn Blasts Wreck Clinton High", over last two words of which were pasted words "Supreme Court."

Below and above this clipping were the following words printed in ink:

> "This would make good reading to lots of red-blooded Americans - down with Communists."

Property of the FBI - This memorandum is loaned to you by the FBI and neither it nor its contents are to be distributed outside the agency to which loaned.

62-27505-129

10-13-58

AIRTEL

To: SAC, Washington Field

From: Director, FBI

62-[illegible]-129

CRITICISM OF SUPREME COURT
MISCELLANEOUS - INFORMATION CONCERNING

Attached are three copies of a self-explanatory letterhead memorandum dated 10-10-58, from Miami.

You should immediately advise the appropriate police agencies, the Administrative Officer of U. S. Courts, and any other agency having custodial jurisdiction over the Supreme Court building, of the contents of attached memorandum.

Enclosures (3)

[redacted]

(4)

b6, b7C

Tolson
Boardman
Belmont
Mohr
Nease
Parsons
Rosen
Tamm
Trotter
Clayton
Tele. Room
Holloman
Gandy

MAIL ROOM

AIRTEL

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Nease
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. W.C.Sullivan
Tele. Room
Mr. Holloman
Miss Gandy

TO: DIRECTOR, FBI 10-14-58

FROM: SAC, WFO (62-New)

CRITICISM OF SUPREME COURT
MISCELLANEOUS - INFORMATION CONCERNING

Re Bureau airtel, 10-13-58.

Information furnished by reBuairtel telephonically furnished [redacted] 5:45 p.m., 10-14-58. Information furnished to [redacted] acting in the absence of [redacted], MPD.

Information also furnished to [redacted] of U. S. Supreme Court Police Force, 5:50 p.m., 10-14-58. This information was furnished to [redacted] in the temporary absence of [redacted] was requested to make information available to Marshal [redacted] who is also Custodian of Supreme Court Building, as Marshal [redacted] not immediately available. [redacted] stated [redacted] would be in communication with U. S. Supreme Court Police Office evening of 10-14-58. RUC.

3-Bureau
1-WFO
[redacted]
(4)

AIRTEL

C C - Wick

62-107563-130

REC-61

13 OCT 22 1958

66 OCT 28 1958

3:38 PM

October 21, 1958

MEMORANDUM FOR MR. TOLSON
MR. BELMONT
MR. NEASE

The Attorney General called on several matters and while talking to him I mentioned that I had been keeping him advised regarding the threats against the lives of the Chief Justice and Justice Felix Frankfurter. I stated we had men taking care of this and it had been working fine until now when someone on the police force in the Supreme Court Building leaked it today and passed the information that they were threatened and under the protection of the FBI to the newspapers. I stated we have had a man with each of the Justices since last Friday when we got word of these threats, and now Chief Justice Earl Warren is going to California next week and whether our Agent will go with him will be largely up to his discretion, but he did not want the local police notified. I commented that this rather leaves it to the FBI as to what action we thought should be taken, and of course if someone should try to kill the Chief Justice and we did not do anything then it would reflect adversely upon the FBI.

The Attorney General mentioned incidentally that he had not had any trouble, but when he is away for any period of time he was going to tell the woman who stays with his family to call the FBI if she should become afraid. I stated she should do that for of course there is always the possibility that [redacted] or one of his cohorts may attempt something.

b6, b7C

Very truly yours,

John Edgar Hoover
Director

RECORDED
191 OCT 23 1958

cc-

JEH:

66 OCT 24 1958
MAIL ROOM

ORIGINAL COPY

FOUNDED BY HARRISON GRAY OTIS, DECEMBER 4, 1881 — PUBLISHED BY THE TIMES-MIRROR COMPANY

Los Angeles Times

LOS ANGELES 53 · CALIFORNIA
MAdison 5-2345

O SUPREME COURT

My Dear Mr Hoover.

I dont want you to consider this letter as just an ordinary run of the mill kind, or just a crack pot or crank blowing off steam, but one written for the one reason I know best. One American to Another.

Yesterday I was checking my paper &
and as I glanced at a small Paragraph it read, U.S. Supreme court and if you notice I spell court with small letters, grants ~~see~~ review to convicted spy.
I have been sickened as a Veteran and Nationalist about other decisions but this made me leap from my desk and I called Mr. Wilson, our land ~~[illegible]~~ Vice

REC- 65 62-27585-13
EX-135
20 OCT 24 1958
CRIME REC.
57 OCT 30 1958
10-21-58

FOUNDED BY HARRISON GRAY OTIS, DECEMBER 4, 1881

PUBLISHED BY THE TIMES-MIRROR COMPA

Los Angeles Times

LOS ANGELES 53 · CALIFORNIA

MAdison 5-2345

a man unfortunate,
I happen to be a native of Los Angeles
and as for this boy, Warren Warren,
he has always been on the State payrole
a District Attorney, Governor, and now
U.S. Chief Justice. A protege of
Mr. Knowland's father, publisher of
the Oakland Tribune, I am sure
you know he has never practiced law
as far as I know. It stated that his
close friendship with Franklin was due
to his brilliance + something in Washington
I know some of Frankfurter's pupils such
as "Hiss" Ect. Why did they give
the book of rules allows this" This Bastard
should have been hung! 2

FOUNDED BY HARRISON GRAY OTIS, DECEMBER 4, 1881 PUBLISHED BY THE TIMES-MIRROR COMPANY

Los Angeles Times

LOS ANGELES 53 · CALIFORNIA
MAdison 5-2345

what is behind these decisions, is it pressure from the Sam Rosenbergs; Sam Sobels; Sam Everything Groups. as long as the Anti-Defamation or other groups Bring pressure on our Representatives in the halls of Congress. It sickens my soul as an American to read the Decisions handed down by Warren & Co.

I only wish that they would not penalize your organization. You should read the platform of the Democratic party here not Democrats but Pinks who have captured our State. This Punk who is running for attorney General. was adviser to a governor here. who wanted to abolish our motto. In God We Trust. The governors name was Olson. The candidate name is "Mosk". Mosowitz

FOUNDED BY HARRISON GRAY OTIS, DECEMBER 4, 1881 PUBLISHED BY THE TIMES-MIRROR COMPA

Los Angeles Times

LOS ANGELES 53 · CALIFORNIA

MAdison 5-2345

This Summer I was Vacationing at La Jolla, I caught a glimpse of you at Del Mar.

May the Creator keep you in good health and preserve you to preserve our nation

Cordially,

[redacted] CALIF

b6, b7C

Cain is dead but Abel is here yet

If you ever see John Mohr a great man in your organization say hello for me

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Nease
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. W.C.Sullivan
Tele. Room
Mr. Holloman
Miss Gandy

My Dear Mr. Hoover.

I don't want you to consider this letter as just an ordinary run of the mill kind, or just a crack pot or crank blowing off steam, but one written for the one reason I know best. One American to Another.

Yesterday I was checking my paper and as I glanced at a small paragraph it read, U. S. Supreme court and if you notice I spell court with small letters. Grants review to convicted Spy. I have been sickened as a Veteran and nationalist about other decisions but this made me leap from my desk and I called Mr. Warren in a loud voice, a name unprintable.

I happen to be native of Los Angeles and as for this Guy Warren, he has always been on the state payroll as District Attorney, Governor, and now U.S. Chief Justice. A protegy of Mr. Knowland's father, publisher of the Oakland Tribune. I am sure you know he has never practiced law as far as I know. He stated that his close friendship with Frankurter was due to his lonliness or something in Washington. I knew some of Frankfurters pupils such as "Hiss" Ect. Why did they give this Abel a review or as a layman does the book of rules allow this" This Bastard should have been hung. What is behind these decisions, is it pressure from the Same Rosenbergs; Same Goble; Same everything group, as long as the Anti-Defamation or other groups bring pressure on our representatives in the hall of Congress. It sickens my soul as an American to read the Decisions handed down by Warren & Co.

I only wish that they would not penalize your organization. You should read the platform of the Democratic party here. Not Democrats but Pinks who have captured our state. This Punk who is running for Attorney General was adviser to a Governor here who wanted to abolish our motto. In God We Trust, The Governor's name was Olsen, The Candidate's name is "Mack," Moscovitz.

This Summer I was vacationing at La Jolla, I caught a glimpse of you at Del Mar.

May the Creator keep you in good health and preserve you to preserve our nation.

Cordially,

b6
b7C

s [redacted]

Cain is dead but Abel is here yet. If you ever see John Malone a great man in your organization say hello for me.

Ltr & Memo
10-21-57

x87

ENCLOSURE

OCT 19 1960 57

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Nease

DATE: October 21, 1958

FROM : M. A. Jones

SUBJECT: [redacted]
LOS ANGELES, CALIFORNIA

Tolson
Belmont
Mohr
Nease
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

By undated letter addressed to the Director, received at the Bureau on October 17, 1958, the captioned individual, writing on the stationery of the Los Angeles Times," expressed extreme views regarding the Supreme Court. Because of the tone of this letter and in view of the fact that it is written in such a manner as not to require a response, it is believed that it should not be acknowledged. It should be noted, however, that the correspondent, who cannot be identified in Bufiles, expresses the wish that Mr. Hoover will be kept in good health to preserve our nation. He also requested that Mr. Hoover say hello to John Malone for him noting that the latter was a great man in the FBI. Inspector Malone, however, cannot recall [redacted]

RECOMMENDATION: That the above letter not be acknowledged in view of the foregoing.

(2) [redacted]

62-275785-132

REC-65

EX-135

CRIME REC.

57 OCT 30 1958

[redacted]
LONG BEACH 6, CALIF.

October 14 th 1958.

b6 b7C

J. Edgar Hoover,
Washington D. C.

Supreme Court

Dear Mr. Hoover,

Thank you very much for your kind letter of May 7 th in answer to my letter to you of May 2 nd. regarding the dangerous trend in the field of film and television entertainment.

NOW we are up against something as bad if not worse. The enclosed articles, one an editorial speak for themselves.

This may not be within your jurisdiction, but possibly you can refer it to whoever it should go to? Your doing so would carry more weight than anyone else.

I feel I can truly say that we, the people are flabbergasted at the things the Supreme Court are doing these days.

Just recently much was written about their ruling in regard to communists being turned loose because some evidence was gotten by dictaphones being used to secure evidence etc.

Now, as these articles shows that their rulings make it hard if not impossible to secure a conviction in narcotic cases.

This, like the films and television problem is mainly directed against our young people, teenagers especially.

What are the Supreme Court thinking about to favor the convicted in,such serious cases?

Is there any way this kind of thing can be stopped before it gets any worse?

Sincerely yours,

[redacted]

62-27583-1

12 OCT 27 1958

EX 105

2 ENCLOSURE

REC-10

b6 b7C

CRIME REC'D

...ule Frees ... Dope Case ... Suspect

... Albert Ozuro (Monkey-...) Zamacoma, 32, had been ...ried three days ago, he prob...ly would have been convict... of narcotics possession.

But today was his trial date, ...o be walked out of Superior ...ourt a free man.

The difference was Wednes...ay's decision by the State Su...preme Court that police must ...isclose names of undercover informants when demanded by ...efendants in narcotics cases.

Zamacoma, of 565 W. 15th ...t., San Pedro, faced Judge ...each Vasey today and heard ...Harbor Division officer Edgar ...P. Brown testify he found five ...apsules of heroin in Zama...coma's pocket July 24.

• • • • •

BROWN SAID three inform...ants, including the mother of ...a teenaged heroin addict who ...allegedly was supplied by the ...defendant, told him a man later ...identified as Zamacoma was ...selling heroin.

A fourth informant reported ...Zamacoma was "holding" her...oin on July 24, Brown added.

Deputy County Public De...fender J. Raymond Culhum ...asked Brown if he had a search ...warrant with him when he ar...rested Zamacoma. Brown said

...

...interrupted.

"I think perhaps the average ...layman and some judges mis...conceive the ... of informers," ...Kirschke said.

"They are not important as ...to who engages in narcotics ...traffic, but when and where ...suspects have narcotics. Offi...cers then must move fast to ...catch them.

"Narcotics enforcement de...pends on informers.

• • • • •

"THIS DEFENDANT is typ...ical of individuals who reap ...the bounty of Supreme Court ...solicitude, but it is more im...portant to protect informers' ...identity than to prosecute any ...single defendant."

Judge Vasey asked Brown if ...he would name the informer.

Brown said he agreed 100 per...cent with Kirschke and that ...public welfare would suffer if ...he did so.

Judge Vasey granted a de...fense motion to strike Brown's ...testimony "with reluctance be...cause evidence clearly indi...cates the defendant was caught ...red-handed."

• • • • •

THE COURT said it had no ...alternative but to find Zama...coma innocent.

The Supreme Court decision, ...written by Justice Roger Tray...nor, said that if testimony of ...communications from confiden...tial informers is necessary to ...establish legality of a search, ...the defendant must be given a ...fair opportunity to rebut that ...testimony. He must therefore ...be permitted to ascertain the ...informer's identity.

62-27585-135

REC-1 94-50519-133

October 24, 1958

EX-105

[redacted]
Long Beach 6, California

b6
b7C

Dear [redacted]

Your letter of October 14, 1958, and its enclosures have been received in Mr. Hoover's absence from Washington, and I am acknowledging them for him. I know that he will appreciate the interest prompting your forwarding your observations.

Sincerely yours,

Helen W. Gandy
Secretary

OCT 24 2 03 PM '58
RECD-READING ROOM
F B I

COMM - FBI
MAILED 28

b6
b7C

NOTE: Bufile 94-50519-113 is a prior letter from same correspondent dated 5-2-58 in which [redacted] commended the Director on his statement relating to the harmful influence sensational TV and radio programs might have on children. In view of the contents of his current communication, an in-absence reply is believed advisable.

Tolson
Belmont
Mohr
Nease
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

[redacted] (3)

b6
b7C

60 OCT 30 1958

MAIL ROOM ☐ TELETYPE UNIT ☐

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: December 4, 1958

FROM : S. M. Satterday

SUBJECT: [redacted]
SUPREME COURT NAME CHECK REQUEST

Tolson
Boardman
Belmont
Mohr
Nease
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

[redacted], born [redacted], is subject of name check request, [redacted] Name Check Section on December 3, 1958, from [redacted], Marshal, Supreme Court of the United States. The incoming Form 57 reveals [redacted] to be an applicant for a position of police officer with the Supreme Court.

Bufiles contain no information re [redacted]

Memorandum Mr. Nichols to Mr. Tolson dated 9/3/57 reveals that the Director has instructed that no action be taken concerning any requests received from the Supreme Court until the matter has been presented to him and he personally rules on the request.

RECOMMENDATION:

That if approved by the Director, the Form 57 on Alexander be stamped "No Derog Data" by the Name Check Section, Domestic Intelligence Division, and returned to the Office of the Marshal, Supreme Court of the United States.

Form stamped "No derog data" and returned to Supreme Court 12/9/58 - SMS

62-27585-134

REC-30 13 DEC 9 1958

[redacted] (4)

52 DEC 12 1958

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: December 12, 1958

FROM : G. H. Scatterday

SUBJECT: [redacted]
SUPREME COURT NAME CHECK REQUEST

[redacted], born [redacted], is subject of name check request, received in Name Check Section on December 9, 1958, from [redacted] Marshal, Supreme Court of the United States. The incoming Form 57 reveals [redacted] to be an applicant for a position of chauffeur at the Supreme Court.

Bufiles contain no information re [redacted]

Memorandum Mr. Nichols to Mr. Tolson dated 9/3/57 reveals that the Director has instructed that no action be taken concerning any requests received from the Supreme Court until the matter has been presented to him and he personally rules on the request.

RECOMMENDATION:

That if approved by the Director, the Form 57 on Clemencia be stamped "No Derog Data" by the Name Check Section, Domestic Intelligence Division, and returned to the Office of the Marshal, Supreme Court of the United States.

62-27585-135

DEC 17 1958

Form stamped "No Derog Data" [redacted] returned to Supreme Court [redacted]

(4)

C 7 DEC 22 1958

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: January 13, 1959

FROM : MR. R. R. ROACH

SUBJECT: U. S. SUPREME COURT (USSC)
REQUEST FOR FIREARMS TRAINING FOR
USSC POLICE OFFICERS

On January 12, 1959, while Liaison Agent [redacted] was discussing other matters with Marshal [redacted], USSC, the latter advised that Chief Justice Warren had requested that he discuss with Liaison Agent the possibility of several of the current complement of court police officers receiving firearms instruction at Quantico. [redacted] stated the Bureau was kind enough to afford such training to the officers in 1957, which was extremely beneficial both from the standpoint of efficiency and morale. [redacted] advised that the Chief Justice would greatly appreciate the Bureau's again affording similar instruction to about 25 of the court officers, possibly during February, 1959, if the Bureau program will allow such to be done. Liaison Agent advised [redacted] this matter would be checked with the Bureau and he would be advised.

Bureau files reflect Chief Justice Warren, by letter to Director November 19, 1956, requested such training for the court police. With Director's approval, letter of reply November 23, 1956, advised such training would be afforded. Warren expressed appreciation for this assistance in letter to Director November 27, 1956, and Lippitt also sent letter of appreciation March 19, 1957. The officers received practical pistol training and instruction in defensive tactics and disarming techniques on four days during February, 1957.

This matter has been discussed with the Training and Inspection Division. It was ascertained the requested training can be arranged, if approved, and the training schedule appears to be such that it could be afforded during February, 1959.

RECOMMENDATION:

EX-135 REC-09 62-27585-136

In view of the Chief Justice's specific request through Marshal [redacted] and since Training and Inspection Division will be able to arrange training for the court police officers, it is recommended that approval be granted for the Supreme Court police [redacted] to receive firearms training at Quantico. If approved, Liaison [redacted]

1 - Mr. Belmont
1 - Training and Inspection Division
1 - [redacted]
1 - [redacted]
1 - Liaison Section
1 - [redacted]
Bufile 62-27585

JAN 28 1959

Memo Roach to Belmont
RE: U. S. SUPREME COURT (USSC)
REQUEST FOR FIREARMS TRAINING FOR
USSC POLICE OFFICERS

b6,
b7C

[redacted] advised 11/5/59 we will afford training and [illegible] will be contacted [illegible] details

will so advise Marshal [redacted] and will work out necessary details with Training and Inspection Division for such training.

11/4/59

OK but I doubt if [illegible] actually made the [illegible] graduation

mtb

- 2 -

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: January 19, 1959

FROM : Mr. R. R. Roach

Tolson
Boardman
Belmont
Mohr
Nease
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

SUBJECT: U. S. SUPREME COURT (USSC)
REQUEST FOR FIREARMS TRAINING
FOR USSC POLICE OFFICERS

Memorandum Roach to Belmont January 13, 1959, recommended, and the Director approved, the Bureau's furnishing current firearms training to police officers of the Supreme Court. [redacted], Marshal of Supreme Court, was advised January 15, 1959, such firearms training could be afforded and he would be contacted regarding details.

On January 16, 1959, Marshal [redacted] advised Liaison Agent [redacted] that the Court would be in recess from January 26, 1959 to February 24, 1959, if sometime during that period would be satisfactory to the Bureau. [redacted] stated similar arrangements to those in 1956 would be fine and the Supreme Court would be glad to pay for ammunition used, as before. [redacted] further stated he would be glad to drop down to Quantico and discuss details regarding schedule, type of firing course, etc., with SAC Sloan, if desirable.

Matter was discussed with SAC Sloan who felt above would be simplest way to set up the training. Accordingly, arrangements were made by Liaison Agent for Marshal [redacted] and Captain [redacted] of the Court police force, to confer with SAC Sloan at the FBI Academy, Quantico, at 10:00 a.m., Friday, January 23, 1959, such time and date being confirmed with each on January 16, 1959.

ACTION:

For the information of the Training and Inspection Division.

[redacted]

(6)

1 - Training and Inspection Division
1 - Mr. Belmont
1 - Mr. Sloan
1 - Liaison Section
1 - [redacted]

REC-60
62-27585-138

EX-135

25 JAN 23 1959

63 JAN 26 1959

1/13/59
SAC LETTER NO. 59-2

(C) BRIEFS FILED WITH CIRCUIT COURTS OF APPEALS - REVIEW OF --
At the present time the Bureau obtains through the Washington Field Office, copies of briefs filed with the United States Supreme Court in all Bureau cases which go before that court on appeal. These briefs are analyzed at the Seat of Government, not from a legal viewpoint, but solely to assure that the Bureau's interests are properly protected both from the standpoint that any false charges against the Bureau or its personnel have been properly answered and also to assure that the Bureau remains abreast of judicial decisions and trends which affect or might possibly affect the Bureau's operations.

In the future the review of briefs on appeal will be extended to cover those filed with the various Circuit Courts of Appeals. Accordingly, it will be the responsibility of the office of prosecution to arrange to obtain copies of briefs filed by both the appellant and the Government in every Bureau case in which a conviction in the District Court is appealed to the appropriate Circuit Court of Appeals. Copies of the briefs should be furnished to the Bureau together with a summary of the points raised on appeal and the Government's answers thereto.

It should be borne in mind that the purpose of the review of these briefs is not to consider the legal sufficiency of the arguments and answers, but solely to determine whether the Bureau's interests have been properly and fully protected and to assure that the Bureau is aware of issues raised on appeal on the Circuit Court of Appeals level which affect or might possibly affect the Bureau's operations.

This matter must be discussed at the next semiannual conference in each office to insure that all investigative personnel thoroughly understand the importance of these instructions and the necessity for prompt compliance therewith.

ORIGINAL COPY FILED IN

62-27585-
NOT RECORDED
167 JAN 22 1959

68 FEB 3 1959

5-572 (9-29-55)

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 1-19-59

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Page A251 — Senator Russell, (D) Georgia, extended his remarks to include an article from the December 1958 issue of Farm and Ranch magazine entitled "Straight Talk," dealing with the views of the Supreme Court on integration and civil rights. The references to the FBI, contained in this article, were set forth in a memorandum written earlier this date.

Page A255 — Senator Williams, (R) Delaware, extended his remarks to include an editorial which appeared in the Washington Daily News of December 17, 1958, entitled "And They All Get Off." The editorial deals with recent decisions of the Supreme Court. It is stated in the editorial "What is disturbing is the trend of court decrees in criminal and subversive cases. ---------- It seems to us that in cases of this type the chief question is the question of guilt. In most of these decisions guilt has been an incidental issue. Technical questions of procedure have prevailed. ---------- Defendants are entitled to every protection against rigged or unfounded prosecution. But the public is entitled to protection from the guilty, too."

Page A257 — Senator Williams, (R) Delaware, requested to have printed in the Record a resolution adopted by the Council of the Polish Societies and Clubs in the State of Delaware at a meeting on Pulaski Day, October 12, 1958. The resolution contained a reference to the FBI in connection with recent Supreme Court decisions. This was included in an earlier memorandum.

66 FEB 4 1959

62-27585

NOT RECORDED
117 FEB 2 1959

In the original of a memorandum captioned and dated as above, the Congressional Record for 1-17-59 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

February 3, 1959

Honorable Jacob K. Javits
United States Senate
Washington 25, D. C.

My dear Senator:

I have noted in yesterday's "Congressional Record" that you extended your remarks to include a resolution passed by Isabella Council 873, Knights of Columbus, Brooklyn, New York.

It was most kind of you to take note of the favorable comments concerning the work of this Bureau. My associates and I are indeed thankful for your interest in this regard.

Sincerely yours,

J. Edgar Hoover

MAILED 25
FEB 3 - 1959
COMM-FBI

62-27585-
NOT RECORDED
176 FEB 6 1959

FEB 3 3:?? PM '59
COMM-FBI
MAIL ROOM

ORIGINAL FILED IN 80-1-44912-2

NOTE: We are not preparing copies of this clipping for dissemination inasmuch as the resolution attacks the Supreme Court. For the same reason it appears inadvisable to write the Knights of Columbus Council and thereby endorse the resolution. Javits is noted as a very strong liberal and Bufiles indicate he [redacted] There is nothing substantially derogatory, however, to preclude this letter.

b6, b7C

[redacted]

(3) ENCLOSURE

FEB 10 1959

MAIL ROOM TELETYPE UNIT

5-572 (9-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 1/10/59

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Page	A189-A191

Congressman Tuck, (D) Virginia, extended his remarks to include an address by Congressman Harrison, (D) Virginia at a meeting of the American Carpet Institute in Skytop, Pennsylvania. Mr. Harrison commented on certain decisions of the Supreme Court. The reference to the FBI was set forth in a memorandum prepared earlier this date.

Original filed in:

62-27585-

NOT RECORDED
191 FEB 6 1959

66 FEB 10 1959

In the original of a memorandum captioned and dated as above, the Congressional Record for 1/9/59 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

Mr. Tolson
Mr. Belmont
Mr. DeLoach
Mr. McGuire
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. W.C.Sullivan
Tele. Room
Mr. Holloman
Miss Gandy

"LAW" LETS U.S. RED SERVE HIS MASTERS

Thanks to the United States Supreme Court's decision prohibiting the State Department from denying passports to subversives, a known American Communist has been able to go to Moscow to attend the Communist Party Congress and denounce his own country and its government.

Before a recent decision of the Supreme Court, the government could refuse to grant a passport to a person who might harm the interests of the United States during his travels.

However, James Jackson, secretary of the U. S. Communist National Committee, made the trip. In the course of his speech, he challenged the President of the United States to match the claim of Soviet Premier Nikita Khrushchev that there are no political prisoners in the Soviet Union.

He said there are many Communists "languishing in American jails."

Nonsense, of course, but of such is Red propaganda made, and James Jackson has served his masters well.

President Eisenhower, it goes without saying, would be wasting his time answering any such charges. But we ordinary citizens should not ignore it.

There may be left in federal prisons a few Communists convicted under the Smith Act, although many of them have been released since the Supreme Court ruled that it was not a crime to teach and advocate the overthrow of the government, in theory, that is (you have to grab a gun and man the barricades to be guilty under the Supreme Court's interpretation of the law.)

But if there are any such left in American prisons, they are not political prisoners. They are real criminals. The Court decisions have so emasculated the law that even its author admits that it no longer means much if anything.

They have not been put in jail for political reasons, but because they have tried to destroy the government which protected them in their search for strange ideologies and guaranteed them a fair trial in which the odds, if anything, were stacked in their favor.

Like others of his kind, James Jackson adheres to a perverted sort of logic. He takes at face value Khrushchev's claim that there are no political prisoners in the Soviet Union. He ignores the millions who have been deliberately starved, or shot, in the various purges the Communists have carried out. They are not prisoners, of course, because they are dead.

He ignores the other millions who have been banished to slave labor in Siberia because they refused to conform to the Red regime or for other reasons were considered enemies of the state.

If members of this latter group aren't prisoners, it is because they have either been executed, starved or worked to death or otherwise liquidated.

Under the "law of the land" James Jackson has committed no crime, but it is a shame that there is no way in which he can be compelled to stay where he is, in Moscow among the political monsters he serves.

Greenville News
Greenville, S. C.
2-5-59
Wayne W. Freeman,
Editor

RE: SUPREME COURT

62-27585

NOT RECORDED
117 FEB 17 1959

57 FEB 20 1959

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: February 17, 1959

FROM : S. H. Scatterday

Tolson
Boardman
Belmont
Mohr
Nease
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

SUBJECT: [redacted]
SUPREME COURT NAME CHECK REQUEST

[redacted], born [redacted] is subject of name check request received in Name Check Section on February 12, 1958, from [redacted] Marshal, Supreme Court of the United States. The incoming Form 57 reveals [redacted] to be an applicant for [redacted] position of charwoman with the Supreme Court.

Bufiles contain no information re [redacted]

Memorandum Mr. Nichols to Mr. Tolson dated September 3, 1957, reveals that the Director has instructed that no action be taken concerning any requests received from the Supreme Court until the matter has been presented to him and he personally rules on the request.

RECOMMENDATION:

That if approved by the Director, the Form 57 be stamped "No Derogatory Data" by the Name Check Section, Domestic Intelligence Division, and returned to the Office of the Marshal, Supreme Court of the United States.

[redacted]
(4)

1 - Mr. Belmont
1 - Name Check Section
1 - [redacted]

Stamped No Derog Data" 2/18/59 - sent to Supreme Ct.

EX 105

REC 46

62-27585-138

14 FEB 18 1959

NAME CHECK

53 FEB 24 1959

5-572 (5-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: JAN. 22, 1959

FROM : J. P. Mohr

Pages A377-A378, Senator Clark, (D) Pennsylvania, requested to have printed in the RECORD the remarks of chief justice of Pennsylvania, the Honorable Charles Alvin Jones, in opposition to the resolution introduced by the Committee on Federal-State Relationships as Affected by Judicial Decisions at the Conference of State Chief Justices in Pasadena, California, August 22, 1958. Judge Jones, in referring to the Supreme Court decision in the Nelson case, stated "As it happened to fall to my lot to write the majority opinion in the Nelson case for the Supreme Court of Pennsylvania, whose judgment, incidentally, was affirmed and not reversed, I beg your indulgence while I endeavor to demonstrate that the ruling in the Nelson case was in no sense 'a wide sweep of the doctrine of preemption' or any extension whatsoever of Federal power. It was but the enforcement of a power inherent in our Federal Government ever since the adoption of the Constitution in 1787, namely, the right to protect itself most efficiently and effectively against all enemies, foreign or domestic. - - - Responsible Pennsylvania newspapers of wide circulation understood and approved the Supreme Court's affirmance of the State court's Nelson decision. A Washington correspondent of the Philadelphia Inquirer in a special article of April 13, 1956, wrote, 'In the Steve Nelson case, the court ruled the protection of the Nation against sedition is a Federal, not a State, responsibility, and that, therefore, the State antisedition laws are unconstitutional (i.e., superseded). This decision does not mean that the States can't help the Federal Government guard against subversion. It does mean that the responsibility for investigation belongs to the Federal Bureau of Investigation and the responsibility for prosecution belongs to the Department of Justice.'"

ORIGINAL COPY FILED IN 62-27585-1591

62-27585-139
NOT RECORDED
145 FEB 19 1959

REC-23

57 FEB 24 1959

In the original of a memorandum captioned and dated as above, the Congressional Record for was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

5-572 (9-29-55)

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 1-28-59

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Mack in Mason 211-OC

Pages 1109-1112, Congressman Mason, (R) Illinois, spoke concerning the Federal Constitution and the Supreme Court. Mr. Mason stated "In the minds of our Supreme Court Justices today our Federal Constitution is a dead letter. It is largely ignored or flouted as a basis for present-day decisions." Several Congressmen commended Mr. Mason for his remarks. On page 1111, Congressman Lindsay, (R) New York, disagreed with Mr. Mason's remarks. He stated "During the period quite recently when I was in the Justice Department of the United States, in the executive branch of the Government, I argued several cases before the Supreme Court of the United States on constitutional issues. One of those cases I lost, the Jencks case, which had to do with the opening of the files of the FBI. I do not necessarily agree with the opinion of the Court in that case - - - - On the other hand, I will defend as long as I have voice in my body the jurisdiction of the Supreme Court in every area involving the personal rights and liberties of our people, including cases in the area of internal security. I would oppose any effort made to cut down the jurisdiction of the Court when there is a disagreement because of the result in one particular case or cases."

ORIGINAL FILED IN 62-117212

REC-132

62-27580-140

NOT RECORDED

141 FEB 4 1959

57 MAR 4 1959

In the original of a memorandum captioned and dated as above, the Congressional Record for [illegible] was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TAMM

DATE: 2/18/59

ATTN: [redacted]

FROM : H. L. SLOAN

SUBJECT: FIREARMS TRAINING - U.S. SUPREME COURT GUARDS
QUANTICO, VIRGINIA - 1/27/59 - 2/17/59

Mr. Tolson
Mr. Belmont
Mr. DeLoach
Mr. McGuire
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Tamm
Mr. Trotter
Mr. W. C. Sullivan
Tele. Room
Mr. Holloman
Miss Gandy

Memo Mr. Roach to Mr. Belmont 1/13/59, recommended, and the Director approved, that the Bureau furnish firearms training to police officers of the U. S. Supreme Court.

Four classes convened at Quantico on 1/27/59, and 2/2, 9, 17/59, and during the training, a total of 12,100 rounds of .38 caliber ammunition was expended. The price of this ammunition is $55.15 per thousand.

On 1/16/59 [redacted], Marshal of Supreme Court, advised Liaison Agent [redacted] that the Supreme Court would pay for the ammunition expended on a transfer of funds basis.

ACTION:

This memo should be referred to the Administrative Division in order that the proper 1080 Voucher may be prepared for the transfer of funds to cover the cost of this ammunition.

DEC 23 - 27585 - 141

1 - SA [redacted]

(4) [redacted]

Ex. 133 6 FEB 27 1959

February 26, 1959

DEC. 23

62-27585-141

EX-139

b6
b7C

[redacted]
Marshal
Supreme Court of the United States
Washington, D. C.

Dear [redacted]

In accordance with arrangements previously made there is enclosed for payment a voucher in an amount of $655.22 to cover 12,100 rounds of .38 caliber ammunition used by employees of your office during firearms training at Quantico, Virginia.

Sincerely yours,

John Edgar Hoover
Director

Enclosures (4)

[redacted] (5)

b6, b7C

MAILED 31
FEB 2 6 1959
COMM-FBI

MAIL ROOM ☐ TELETYPE UNIT ☐

STANDARD FORM NO. 64

Office Memorandum • UNITED GOVERNMENT

TO : The Director

DATE: March 2, 1959

FROM : A. Rosen

Tolson ✓
Belmont
DeLoach
McGuire
Mohr
Parsons
Rosen ✓
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

SUBJECT: SURVEY BY C. GUY TADLOCK
FOR CHIEF JUSTICE OF SUPREME COURT

Mr. C. Guy Tadlock, Executive Assistant to Charles Rice of the Tax Division, called stating that he wanted to give me some information off the record if he might with reference to a request which has been made by the Chief Justice of the Supreme Court.

He said at the request of the Chief Justice he is conducting a survey of the administrative set-up of the Supreme Court. He said the Justices, as well as the Chief Justice, are concerned with the security of the building as well as its maintenance and the handling of the personnel. He was instructed by the Chief Justice to contact other bureaus, committees of Congress, and the Executive Branch of the Government in order to get whatever assistance was needed.

He wanted to mention on an informal basis that the Supreme Court itself is a rather tight operation and that they had no money other than was indicated for their operating expenses, and that the budget of the Supreme Court was actually submitted by the Chief Justice.

He said he wanted to know whether we could take a look at the security of the building on an informal basis or whether we would want to submit a report or whether we could do it at all. He recognized that this was a major policy decision which the Bureau would want to make.

I advised Tadlock that before any consideration was given this, it would be interesting to know what bearing his survey might have on the functions of [redacted] who I understood was working directly under the Chief Justice. b7C, 66

Tadlock stated that this was a good question as he was most curious when he was asked by [redacted] of the Supreme Court to see the Chief Justice about conducting an administrative survey. The Chief Justice advised Tadlock that the Supreme Court was a "built in operation," that although

66, 67C

62-27585-142

AR:jh
(5)

REC-10

11 MAR 12 1959

MAR 23 1959

~~55 MAR 17 1959~~

Memorandum to The Director

[redacted] worked very closely with the Chief Justice and was directly responsible to him, the Administrative Officer of the Courts, which is [redacted]'s function, deals with the courts of the United States other than the Supreme Court. The Supreme Court is run by the Marshal and he handles the hiring and firing and runs the Supreme Court for the Chief Justice, and this is separate and apart from [redacted]'s operation. The General Services Administration (GSA) maintains the building and they will render assistance to Tadlock, who will have the responsibility of determining whether GSA is maintaining this edifice in a proper manner.

b6, b7C

I asked Tadlock whether this is a matter known to the Attorney General, and the Department, as I had not seen anything mentioned on it. He said the original request came to Tadlock through Charles Rice, Tom Dowd who was instructed to go up and see the Chief Justice. Subsequently, Deputy Attorney General Walsh and the Attorney General approved Tadlock's going to the Supreme Court for a period of 60 to 90 days to conduct this survey. Tadlock is not supposed to submit a fancy report nor submit any management-type report, but he is to determine whether the building is maintained properly (GSA will handle this); whether the personnel are being handled properly and Civil Service Commission will make a check of this; and he wanted to know whether the FBI would consider handling the security check.

I asked Tadlock whether this matter had been given any publicity and how long he had been on it. He said he went up on Saturday and had lunch today with a number of the people in the Supreme Court, and that actually they had not started anything on it. The Chief Justice did mention that he does not care who knows about the survey, but he hopes it does not get into the newspapers. This seems a little inconsistent, but I assume that Tadlock meant he did not care who in Government knew about it, but of course, with these other agencies working on the matter, it won't be long before this gets into the newspapers.

I advised Tadlock I would be in touch with him. He advised me he could be reached on Extension 2923 of the Department.

RECOMMENDED ACTION

Tadlock obviously is going to report his intention to request the FBI for a security check of the Supreme Court to the Chief Justice. He will

probably also get word to Rice, who in turn will talk to the Attorney General and Walsh. It appears the Attorney General has approved Tadlock's making this survey as obviously the Department has approved his being made available to the Chief Justice for a period of 60 to 90 days. Without committing the Bureau to any type of survey or security check, we might proceed along the following lines.

(1) As a matter of protocol it would seem any request for the Bureau's assistance should come from the Chief Justice directly or from the Attorney General for the reason that it is my understanding the various Justices have rather complete control of their individual offices. Although the Chief Justice has asked for this survey and has indicated the concern of the other Justices it is not beyond some of these Justices to make a snide comment concerning the FBI if we started checking their offices without being able to state that this is upon the direct and specific request of the Chief Justice. Therefore, it would appear the request, if any is to be viewed favorably, should come from the Chief Justice himself.

(2) A security check or survey could well entail a check of many of the functions of the Supreme Court such as the procedure in handling copies of the various opinions before they are released, the handling of the messages between the Justices, physical check of the filing systems and other administrative procedures which ordinarily would be covered if an inspection were made. It would be extremely touchy and a sensitive operation if we were to get involved in any of these procedures from the security standpoint.

The least difficult and the one which could be handled with the greatest dispatch and little or no contact with the Justices themselves would be a physical security check of the telephone lines of the Justices and the Marshal. If any assistance was to be rendered this would be the least controversial providing the Chief Justice made the request of the Bureau directly and providing the Chief Justice advised the other Justices and the Marshal that he had requested the FBI to make this check.

R

Since the Chief Justice has not asked FBI to participate we will not touch it.

I think we should try to keep out of this. 3/3

K

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: March 3, 1959

FROM : A. ROSEN

SUBJECT: SURVEY BY C. GUY TADLOCK FOR CHIEF JUSTICE OF THE SUPREME COURT

Tolson
Belmont
DeLoach
McGuire
Mohr
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

With reference to the memorandum of March 2, 1959, in the above-entitled matter, a copy of which is attached, Tadlock was advised that I had checked into the matter and that I was not able to find any request from the Chief Justice concerning this matter asking the FBI to render any assistance in connection with the plans which Mr. Tadlock had indicated were under way.

Before I was able to explain this further, Tadlock interrupted and stated that he was sure the Chief Justice had not sent anything to the Bureau nor had he called the Director in connection with this matter as during Tadlock's discussion with the Chief Justice, Tadlock indicated that he was not experienced in these matters, that after all he is an attorney, and in calling upon the assistance of others in Government in this project it might be necessary to seek the advice of the FBI and others, to which the Chief Justice indicated he would lend his full assistance.

Tadlock stated that he understood the Bureau's position and did not wish to do anything which did not meet with the full approval of the Bureau. He wanted to know whether it would be proper to indicate to the Chief Justice that perhaps a call should be made to the Director or that a letter should be written to the Director. I advised him that, of course, I could not indicate to him what the Chief Justice might desire to do. Although the survey was not under way, Tadlock planned on calling upon the Civil Service Commission to check the personnel policies of the Court. Secondly, General Services Administration was to send someone to look over the building to determine whether it was being maintained in a proper manner. Tadlock also indicated he had in mind checking over the various budget procedures to determine if they were adequately handled.

THESE WERE A FEW OF THE SECURITY PROBLEMS

(1) Tadlock stated that, of course, there was a definite security problem involved in the operation of the building. As an example, he pointed out the guard staff was under the control of the Marshal of the

AR/jdn
-6-

53 MAR 17 1959

cc to Belmont
Gabriel
Parsons
Evans-Walk

Memo To Director
3/5/59 AR jk

REC. 10

62-27525-143

11 MAR 12 1959

Supreme Court. This meant all the uniformed guards were completely under the Marshal's control and the only uniform he wore was a frock coat and striped pants. Tadlock said he did not know what control the Marshal exercised over these guards as they had a captain, lieutenant, and other officers, and some 33 privates in the guard force. In this regard he said yesterday he walked around the building, and he was not stopped. A couple of the guards knew who he was. He had indicated he thought he might need a pass to get into the building because he was going to be up there quite a bit, and he was advised he did not need a pass, that he could just come in. This is an example of one phase of their security.

(2) The custodial force has access to the entire building, and they are hired by the Marshal. No investigation of them is conducted. He understands the Marshal has complete control over hiring and firing these persons.

(3) In addition to the above there are a total of 18 secretaries picked by the individual Justices. There are a number of law clerks, reporters, library assistants, and they are not investigated.

(4) I asked him whether the Administrative Officer of the Courts was located in the building. He stated tha[redacted]s entire staff was moved out of there about six months ago, bu[redacted]and his immediate office, that is, his assistant and secretarial staff, occupy space in the Supreme Court building.

b6, b7C

(5) In addition, the Architect of the Capitol supplies the heating services to the building. He has an office staff of 28 people in the basement.

(6) There are public relations officers who come and go.

(7) The Supreme Court maintains a staff of cafeteria employees. They serve not only the employees in the building but also the public.

In all, there are about 206 people in the Supreme Court building under the control of the Marshal and they seem to come and go as they please.

In addition to the above, the Chief Justice is concerned about possible leaks of information.

Memorandum to the Director

After pointing out these matters by way of background, Tadlock wanted to know what should be put in any letter that might be written to the Director in the event this was done rather than a personal call to the Director by the Chief Justice. I told him that I, of course, could not indicate what should be in such a letter; that I did not know, as a matter of fact, whether the Bureau could be of any assistance and would not want to commit Tadlock to any position on the basis of this conversation. In the event the Bureau rendered any assistance to the Chief Justice, Tadlock would, of course, consider this as between the Bureau and the Chief Justice and Tadlock did not intend to participate in any preliminary discussion concerning the matter nor in any action which might be taken by the Bureau at a later date, nor would he refer to any activity on the part of the FBI, in his report.

RECOMMENDED ACTION:

It is not known what the Chief Justice may do with reference to seeking the Director's guidance in this matter. If the Chief Justice should get in touch with the Director it would certainly be most difficult to pass upon Warren's request unless some idea of the scope of the Chief Justice's request could be ascertained in a preliminary discussion concerning the matter.

As it now stands Tadlock does not expect any assistance to be given to him. He fully understands that any further consideration of this matter is dependent solely upon any arrangements which might be worked out between the Chief Justice and the Director in the event the Chief Justice should seek the Director's guidance in this matter.

I advised him I thought before anything was done we ought to touch base tomorrow, I told him I would be in touch with him tomorrow. March 4.

R

I suggest we do nothing unless and until we hear from the Chief Justice

- 3 -

Mohr
3/4/59

Right.

A-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 2-25-59

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 2573-2574, Congressman Celler, (D) New York, spoke concerning the report submitted by the board of governors of the American Bar Association (ABA) dealing with security and recommending reversal of a number of decisions of the Supreme Court. Mr. Celler stated "It is most unseemly for the Special Committee of the American Bar Association on Communist Tactics and Strategy to charge that the Court has 'encouraged an increase in Communist activities and created a widespread public impression that resort to the judicial process is the means whereby subversives will be freed to go forth and further undermine our Nation.' This is a maligning of the Supreme Court which is most irresponsible. I say this in the light of the fact that the Communist Party has been reduced to a membership of 5,000 members in the United States and that subversion is under effective control by the FBI and other agencies while this committee would castigate the Supreme Court for its studied opinions and judgments." He went on to state "May I suggest that my fellow members of the ABA take a long, hard look at the proposals of their committee with a view toward achieving a position consonant with both individual liberties and the realities of subversion."

ORIGINAL COPY FILED IN 66-1721-1500

62-[illegible]
NOT RECORDED
141 MAR 5 1959

In the original of a memorandum captioned and dated as above, the Congressional Record for [illegible] was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

5-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 2-27-59

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Supreme Court

Pages 2688-2689 Senator Javits, (R) New York, submitted for himself and other Senators a joint resolution (S. J. Res. 57) to propose an amendment to the Constitution of the United States relating to the jurisdiction of the Supreme Court. Mr. Javits pointed out that he was introducing this resolution to protect the jurisdiction of the Supreme Court as final authority in all cases involving constitutional issues. Mr. Javits stated "I introduce the joint resolution today because it follows as a proper sequel the action taken on Tuesday by the American Bar Association's House of Delegates."

Original filed in: 62-27221-

REC-92 62-27385-144

NOT RECORDED
46 MAR 17 1959

In the original of a memorandum captioned and dated as above, the Congressional Record for Feb. 26, 1959 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

Office of the Marshal
Supreme Court of the United States
Washington 25, D. C.

March 9, 1959

Mr. Tolson
Mr. Belmont
Mr. DeLoach
Mr. McGuire
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. W.C.Sullivan
Tele. Room
Mr. Holloman
Miss Gandy

Honorable J. Edgar Hoover
Department of Justice
Washington 25, D. C.

My dear Mr. Hoover:

Enclosed is my official check covering the cost of ammunition used by our Police Force during their recent training period at Quantico, Virginia.

May I take this opportunity to again express my personal appreciation to you and your staff at the Academy for the many courtesies extended to us. The same helpful assistance and generous cooperation of the instructors which we received during our last training period in 1957 again merits my special recognition. The benefit of their experience is reflected in the very gratifying results obtained by all those who attended the Academy.

Sincerely yours,

[redacted]

Marshal

b6, b7c

[redacted]

Enclosure

EX-132

REC- 70

MAR 18 1959

EXP. PROG.

MAR 11 1959

REC-70 62-27585-145

March 16, 1959

EX-134 ~~EX-132~~

[redacted]
Marshal
Supreme Court of the United States
Washington 25, D. C.

66
b7C

Dear [redacted]

Thank you for your letter of March 9 enclosing your official check covering the cost of ammunition used by your Police Force during their recent training period at Quantico, Virginia.

I appreciate your generous comments regarding your stay at our FBI Academy, and I want you to know that it was our pleasure to act as host to the members of your group.

Sincerely yours,

J. Edgar Hoover

MAILED 30
MAR 16 1959
-COMM-FBI

MAR 16 10 45 AM '59
REC'D-READING ROOM
F B I

1 - Mr. Quinn Tamm - Enclosure

1 - Administrative Division - Enclosure

NOTE: Copy of incoming reflects check was detached and deposited.

Tolson
Belmont
DeLoach
McGuire
Mohr
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Candy

[redacted] (6)

66
b7C

MAR 23 1959

MAIL ROOM TELETYPE UNIT

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: March 18, 1959

FROM : A. Rosen

SUBJECT: SURVEY BY C. GUY TADLOCK FOR CHIEF JUSTICE OF THE SUPREME COURT

Tolson
Belmont
DeLoach
McGuire
Mohr
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

With further reference to the status of this matter wherein Tadlock advised he was making a survey of the Supreme Court at the request of the Chief Justice, he called today to advise me of a matter which had just come to his attention.

He said he had not been in touch with us as he has been busy checking into the various functions of the Court, and he did not know until today that the Secret Service about four or five years ago had made a security survey of the Court. This survey was conducted, he understood, after an unsuccessful attempt had been made to get the FBI to do such a survey. He said the Secret Service had submitted certain recommendations, and he was trying to find out what had been done.

He said he was calling to state that this had not been discussed with the Chief Justice, and he wanted to find out before anything else was done just what action had been taken on the Secret Service survey by way of performance. He said he was calling merely to let us know that the Chief Justice may decide to ask the FBI to conduct a survey and start anew in spite of what has previously been done. He said, of course, he has not talked to the Chief Justice about this as yet, but merely wanted to let us know what he had run into.

I told him that I thought in the light of what he had said, it had previously been taken care of and that a security survey had been made, that it had been previously made by Secret Service, and that apparently his problem had been handled.

62-27585-146

REC-33

He said he was merely calling to let us know the development because he had been tied up since his last call.

MAR 24 1959

57 MAR 25 1959

There is attached my memorandum of March 3, 1959, indicating that we are not going to do anything unless and until we hear from the Chief Justice. We are checking to see if we can further identify the request for a similar survey some four or five years ago.

Enclosure

Filed 62-27583-143

AR:jh

1 - Mr. Belmont
1 - Mr. DeLoach
1 - Mr. Parsons

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: March 18, 1959

FROM : A. Rosen

SUBJECT: SURVEY BY C. GUY TADLOCK FOR CHIEF JUSTICE OF THE SUPREME COURT

Tolson
Belmont
DeLoach
McGuire
Mohr
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

With reference to my memorandum earlier today in which it was stated that Mr. Tadlock had advised he had learned the Secret Service made a security survey of the Supreme Court four or five years ago after an unsuccessful attempt had been made to get the FBI to do a survey, we have checked the Bureau files.

66, 67C

[redacted], Marshal of the Supreme Court, called and talked with Mr. Nichols on March 3, 1954, about some plan of security at the Supreme Court. This followed the shooting which occurred on the Hill. Being worried, he asked whether it would be possible for the Bureau to send someone over to discuss the matter with him and perhaps advise him concerning what action he should take. Mr. Wick contacted [redacted] and it was suggested to him that he refer the matter to the local police. We took no further action. There was no reference to the Secret Service. (62-27585-35)

66, 67C

1 - Mr. Belmont
1 - Mr. DeLoach
1 - Mr. Parsons

AR:jh
(7)

FX-138
REC-27

62-27585-147

11 MAR 24 1959

SIX

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: March 17, 1959

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Jm 10-1

THE DIRECTOR

March 17, 1959

J. P. MOHR

THE CONGRESSIONAL RECORD

In scanning the Congressional Record for Monday, March 16, 1959, the following items contained therein pertaining to the FBI have been marked for your attention.

Pages 3790-3793, Senator Keating, (R) New York, spoke concerning the attacks on the Supreme Court. Mr. Keating stated "The Supreme Court, like the other branches of Government, has served us well in its 179 years of existence. Its justices have established an outstanding record for integrity and impartiality. The Court should not be any more immune from criticism than other branches of the Government. But its imperfections should be brought to light and remedied by intelligent and constructive scrutiny of its decisions, not by vindictive and intemperate attacks on the Court itself." Mr. Keating commented on certain decisions made by the Court. He stated "The remedy for this situation is squarely in the hands of Congress. Congress can act decisively by approving curative legislation without in any way infringing upon the vital function of the Supreme Court to interpret the law. - - - I suggest that we approach our task with a profound respect for the place of the Supreme Court in our system of Government Only a balanced and moderate approach will halt the trend toward Federal judicial legislation without undermining the status of our great institutions. Let us earnestly strive for that proper working together of all of the components of our Federal system, which offers the best hope for meeting the needs of the people."

62-27585 -
NOT RECORDED
199 MAR 30 1959

In the original of a memorandum captioned and dated as above, the Congressional Record for 3-16-59 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

63 APR 1 1959

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 3-6-1959

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 3006-3025

Senator Eastland, (D) Mississippi, advised he was introducing a number of bills to carry out the recommendations of the American Bar Association (ABA) to correct certain decisions of the Supreme Court. He requested to have printed in the Record the ABA report of the Special Committee on Communist Tactics, Strategy, and Objectives. This was set forth in an earlier memorandum inasmuch as the report contained references to the FBI.

Original filed in:

62-27525-
NOT RECORDED
199 MAR 30 1959

In the original of a memorandum captioned and dated as above, the Congressional Record for 3 - [illegible] was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

67 APR 2 1959

5-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED GOVERNMENT

TO : The Director

DATE: 3-20-59

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 4105-4107

Senator Kuchel, (R) California, extended his remarks concerning the attacks on the Supreme Court. He included with his remarks an address by the Honorable J. Lee Rankin, Solicitor General of the United States, before the Pittsburgh regional meeting of the American Bar Association, March 13, 1959. The subject of Mr. Rankin's address was 'An Independent Supreme Court.' Mr. Kuchel in referring to the address stated 'It ought to be read by the Members of the Congress; it ought to be read by the lawyers of America; indeed, it ought to be read and studied by all citizens. The excellent and vigorous logic with which the Solicitor General has courageously answered the intemperate abuse by some of the U. S. Supreme Court ought to invigorate and restore the faith in that venerable institution which it merits.'

Original filed in: 66-1751-1615

REC-95 62-21185-148

NOT RECORDED
47 APR 1 1959

53 APR 8 1959

In the original of a memorandum captioned and dated as above, the Congressional Record for 3-20-59 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: April 15, 1959

FROM : G. H. Scatterday

Tolson
Boardman
Belmont
Mohr
Nease
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

SUBJECT: [redacted]
SUPREME COURT NAME CHECK REQUESTS

The two captioned individuals are subjects of name check requests received in the Name Check Section on April 14, 1959, from [redacted], Marshal, Supreme Court of the United States.

[redacted] born [redacted] is an applicant for general laborer, according to his application for Federal employment.

[redacted], born [redacted] is an applicant for charwoman, according to her application for Federal employment.

Bufiles contain no information re either [redacted] or [redacted]

Memorandum Mr. Nichols to Mr. Tolson, dated August 3, 1957, reveals that the Director has instructed that no action be taken concerning any requests received from the Supreme Court until the matter has been presented to him and he personally rules on the request.

RECOMMENDATION:

That if approved by Director, the Form 57's, applications for Federal employment, on Mercer and White, be stamped "No derog data" by the Name Check Section, Domestic Intelligence Division, and returned to the Office of the Marshal, Supreme Court of the United States.

REC 91

62-215205-149

APR 16 1959

2 Forms 57's stamped "No Derog Data" & returned to Supreme Court 4-16-59 - [redacted]

NAME CHECK

(4)
1 - Mr. Belmont
1 - Name Check Section
1 - [redacted]

57 APR 21 1959

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: April 17, 1959

FROM : SAC, Savannah (80-533)

SUBJECT: HONORABLE ERNEST F. HOLLINGS
GOVERNOR OF THE STATE OF SOUTH CAROLINA
MISCELLANEOUS - INFORMATION CONCERNING

Mr. Tolson
Mr. Belmont
Mr. DeLoach
Mr. McGuire
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. W.C.Sullivan
Tele. Room
Mr. Holloman
Miss Gandy

By memorandum dated April 10, 1959, the Savannah Division reported information regarding the annual convention of the South Carolina Law Enforcement Officers Association, which was held at Columbia,S. C., April 8-9, 1959. In this memorandum, the Bureau was advised of the Governor's statement regarding his cooperation with the FBI. By letter dated April 16, 1959, the Bureau directed a letter to Governor HOLLINGS in this connection.

Governor HOLLINGS recently testified in Washington, D. C. before the Sub-Committee on Constitutional Rights Legislation of the Judiciary Committee of the United States Senate. The text of his testimony appeared in "The State" newspaper, Columbia, S. C., April 15, 1959. The article is entitled "Text of Gov. Hollings' Testimony on 'Rights' Bill." The article in question is attached and the Bureau will note on page 14A, he refers to the Attorney General of the United States and other matters of interest to the Bureau. The attention of the Bureau is invited to the paragraph as follows: "We have the highest respect and the most friendly relations with the Federal Bureau of Investigation."

This is being called to the attention of the Bureau since this public statement reveals the fine relations existing between this Bureau and Governor HOLLINGS despite the animosity of Gov. HOLLINGS concerning the Federal Government.

I am also enclosing an editorial which appeared in "The State" newspaper, April 15, 1959, entitled "Hollings' Testimony." As the Bureau is aware, Mr. S. L. LATIMER, JR. is Editor of "The State." Also attached are two other articles regarding Gov. HOLLINGS and National Democratic Committeeman EDGAR A. BROWN, which appeared in "The State" newspaper on April 15, 1959.

2 - Bureau (Encls. 4)
1 - Savannah

ENCLOSURE

50 APR 29 1959

REC. 67

3 APR 23 1959

CRIME REC.

EXP PROC APR 20 1959

Text of Gov. Hollings' Testimony on 'Rights' Bill

THE STATE
Columbia, S. C.
Dated 4-15-57

150

ENCLOSURE

Statement of Gov. Ernest F. Hollings before the subcommittee on Constitutional Rights Legislation of the Judiciary Committee of the United States Senate.

The first words of President Eisenhower in his special message on Civil Rights to the Congress this year were:

"Two principles basic to our system of government are that the rule of law is supreme, and that every individual regardless of his race, religion or national origin is entitled to the equal protection of the laws."

To his two subjects of law, on the one hand, and race and religion, on the other, I would first address myself to the latter.

WORLDWIDE PROBLEMS

Disraeli stated years ago that "No man will treat with indifference the principle of race. It is the key of history." Racial differences did not originate in, nor are they confined to, the South. In Nehru's India there is more caste, race and religious prejudice than anywhere in the world. We see today Great Britain having difficulty trying to integrate the Turk with the Greek on the island of Cyprus. The racial differences of the Israelites and Arabs are threatening the world peace. The Catholic in the Scandinavian countries suffers the same difficulty as the non-Catholic in Spain or in some of our Latin American countries. In this country on the West Coast there is the Chinese and Japanese problem. In Southwestern United States there is the Mexican problem. Not long ago a colored school principal in El Paso, Tex., threatened to quit because of the admission to his school of Mexican children. In New York there is the Puerto Rican problem. Last year in Florida a white family was promptly ousted from a colored neighborhood by Negroes who did not desire white neighbors. Billy Graham reports from his travels all over the world that wherever he found a difference in race, he found a problem.

HARMONY IN S. C.

As governor of South Carolina I represent a state of tolerance and understanding. We have lived in peace and harmony with racial and religious differences for many years.

There's no such thing as a "restricted" hotel in South Carolina. The Man of the Year in my home town of Charleston recently was a distinguished Jew named Edward Kronsberg. To public office another Jew, Solomon Blatt, has been the unanimous choice for years as the Speaker of our House of Representatives. Just last week a Greek boy, Jimmy Leventis, was elected without opposition as president of the student body at the University of South Carolina. One of the largest Irish-Catholic societies in South Carolina, the Hibernian, last year had a protestant president, who is a Mason. The point I want to make and emphasize is that you can belong to and be president of any club or society in South Carolina regardless of religious affiliation.

For the Negro, South Carolina is a state of opportunity. There are colored leaders with their own insurance companies, bus lines, outstanding Negro members of the legal and medical professions, and in the teaching profession we have more than 7,200 Negro teachers in the school system of our state. This is more than there are in New York, New Jersey, Delaware, Rhode Island, Massachusetts and Connecticut combined. We don't just speak of opportunity—we give it.

We would like to continue this climate of tolerance and understanding but we cannot if the President and Congress insist on attempting to legislate away racial differences. A distinguished South Carolinian, Bernard Baruch, once stated of prosperity a principle which is true of good race relations. He said: "Prosperity cannot be created by law. Prosperity can be created and can only be created by industry, intelligence and thrift." He warned, however, that prosperity could be destroyed by law, and he spoke of the danger of high taxes and government controls. Good race relations likewise cannot be created by law. Good race relations are created and can only be created by understanding, tolerance and respect. But good race relations can be disturbed by law, and today we have only to look to Little Rock to see its destruction by the so-called "law of the land."

MUTUAL RESPECT

In South Carolina, despite some minor setbacks, the races continue to live in peace and harmony with mutual respect. In our schools peace patrols the school corridors; unlike New York, we do not need armed guards.

The Negroes of our state feel as all of us feel—that schools are intended for education and not integration or social experimentation. They know that their Governor and General Assembly are making a maximum effort to provide for their children the best educational program and the best opportunity to succeed on an individual basis. Let alone we shall continue to provide this opportunity, and as a practical matter, it can be done in the separate pattern. The only way that children in South Carolina can continue to receive the efficient public school education so necessary for their future success and well being is in conformity with the social patterns and customs ingrained in our way of life. Legislative attempts to change that pat-

THE STATE
Columbia, S.C.
Dated 4-15-57

...ion will only serve to destroy the well nigh boundless store of good will and understanding now existing among all races and beliefs.

The fact that such mutual respect and good will does exist in South Carolina is proved conclusively by the fact that there has not been a single complaint made to the Civil Rights Commission from any South Carolinian of any race.

As Governor of all the people of South Carolina, the Negroes as well as the white people, I beg of you not to destroy the friendship, education, culture, and opportunity of both races by enacting the proposed Civil Rights Bills pending in this Subcommittee..

LAW OF LAND?

I would refer next to the President's statement that the rule of law is supreme in our system of government. Immediately comes to mind the questions "What is the law of the land?" or "What is the supreme law of the land?"

The law of the land, is the same today as it was the day this nation was founded in 1787—that is the Constitution of the United States. As Mr. Charles Warren, eminent historian of the Supreme Court, stated: "However the Court may interpret the provisions of the Constitution, it is still the Constitution which is the law and not the decision of the Court."

Article VI of the Constitution tells us what the supreme law of the land is:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding."

You will note that neither the United States Supreme Court nor their decisions is the supreme law of the land. The law student is taught in early days the difference between the law of the land and the law of the case or decision, and too often in this field do we find the law of the case in the segregation decisions being mistakingly referred to as the law of the land.

ILLEGAL AMENDMENTS

As governor I have sworn before God and my people that I will preserve and defend the Constitution of South Carolina and the Constitution of the United States. The Constitution of our state has been amended so many times that it is difficult to recognize the original—but it has been amended legally. The Constitution of the United States has been amended illegally by the Supreme Court and today we struggle to recognize the original. This "Noblest document ever penned" has been defiled by careless men of less nobility. Our United States Constitution, like all great things, finds its greatest strength in its permanency—and when that permanency is casually handled, its greatest strength suffers, and weakens, and perishes.

With clear conscience, and complete conviction, I state to the Congress that we are a government of laws and not of whim that our deep sense of civic responsibility demands a respect for the law—that if the slightest law is to be respected, then the greatest law is to be hallowed. We recognize that the United States Constitution is an epic document—a great gift and hope to mankind—but when the form and letter and spirit of that Constitution is ignored, a gestation period of chaos erupts into a miscarriage of conscience and propriety. We find a United States Attorney General pledging economic blackmail against our southland. We see both political parties competing to hurl the greatest insult and defamation at our door. And worse, we find a badly advised Chief Executive assuming command of a marching army, this time not against Berlin, but against Little Rock. This same commander admonishes the Southern governors that in taking the oath to support the United States Constitution, they swear allegiance to the Supreme Court and the court's version of "the law of the land." Or to be specific, he and others insist that the governors are sworn to integrate the public schools.

RIGHTS ARE REGARDED

The men who assembled and drafted our Constitution and those who have subsequently lawfully amended it made it apparent and definite that the individual, the state, and the nation, were all to have rights. As a matter of course the rights must be different in scope since the needs are *different in scope*. Note carefully, I have emphasized "in scope"—they are not different in degree, for the national government can no more take away a man's life or property without due process of law than can that same individual refuse to serve in our Armed Forces. Equally true is this with regard to the powers of a sovereign state over the individual. While some states allow 18-year-olds to vote, other states forbid it, and the individual citizen of 18 in a forbidding state is not denied equal protection of the laws because he can't vote.

Paramount among these powers reserved to the states, therefore, is that of regulating elections, and equally paramount is the power of providing and regulating public education. Both of these powers remained undisturbed by the 14th Amendment. The right to vote without regard to race was not guaranteed until two years later by the 15th Amendment. It is clear both by law and intent that the 14th Amendment did not disturb the fixed boundary between the right of the

THE STATE
Columbia, S. C.
Dated 1-15-57

individual and the power of the state in providing public education. Both the Congress that framed the Amendment and the states that ratified it continued to operate separate schools. When the doctrine of "separate and equal" was sanctioned by the Supreme Court of the United States in 1896, neither Congress nor any court or state protested. On the contrary, everyone understood this doctrine as the basis upon which the states could conduct public education. The correctness of this understanding was confirmed repeatedly by the highest state and federal courts in an unbroken line of decisions. The boundary line remained fixed. There is today no law and no provision of the Constitution requiring racially integrated schools. Until the Constitution is lawfully amended and the boundary line changed, the South stands on this boundary and on this principle. Until the Constitution is lawfully amended, my refusal to integrate the schools will not conflict with my oath as governor.

STATES' POWERS USURPED

In fact, the contrary is true. I could not conscientiously take an oath to protect and defend the Constitution of the United States and not object to the Supreme Court usurping the amendatory power that constitutionally is vested in three-fourths of the states. To do so would give us a government of men and not of laws. This danger was foreseen by our forefather in the founding days of this republic, for it was George Washington who said in his Farewell Address:

"If, in the opinion of the people, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an Amendment in the way which the Constitution designates, but let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."

Nevertheless, the danger grows and members of the Court claim for it the function, and even the duty, of amending the Constitution at will. In his dissenting opinion in Green vs. United States in March, 1958, Justice Hugo Black, with the concurrence of Chief Justice Earl Warren and Justice William O. Douglas, said this:

"Indeed, the Court has a special responsibility where questions of constitutional law are involved to review its decision from time to time and where compelling reasons present themselves to refuse to follow erroneous precedents; otherwise its mistakes in interpreting the Constitution are extremely difficult to alleviate and needlessly so."

In other words, when these Justices disagree with earlier and long-standing interpretations of the Constitution, such interpretations are mistakes and should be corrected by the Court, because the amending process is "extremely difficult," and "needlessly so" when the Justices can so easily take the place of the constitutional three-fourths of the states.

The Supreme Court of our land was established to decide litigation in the light of past decisions and not in spite of past decisions. It is not the Court's function to lay down "the law of the land" by judicial fiat. It is the Congress under the American system that makes law. Flagrantly, baldly usurping the amendatory power of three-fourths of the states, the justices of the Supreme Court apparently take their gospel from Richard III, whom Shakespeare caused to say:

"Strong arms shall be our conscience, swords our law.
March on, join together to pell mell
If not to Heaven, then hand in hand to Hell."

JUSTICES DON'T CARE

It is distressing that the justices don't know where they are trying to force us, but it is even more distressing that they, like Richard, apparently don't care.

As governor I believe the duty of the court to be that as expressed by the great Chief Justice Edward Douglass White. His opinion was joined in by Justice John Marshall Harlan, a grandfather of the present justice. Chief Justice White stated:

"The fundamental conception of a judicial body is that one bedged about by precedents which are binding on the Court without regard to the personality of its members. Break down this belief in judicial continuity, and let it be felt that on great constitutional questions this Court is to depart from the settled conclusions of its predecessors, and to determine them all according to the mere opinion of those who temporarily fill its bench, and our Constitution will, in my judgment, be bereft of value, and become a most dangerous instrument to the rights and liberties of the people." **Pollock v. Farmers Loan & Trust Co. 157 U. S. 429, 652**

We therefore object generally to these Civil Rights proposals as inappropriate and dangerous approvals by the Congress of the Supreme Court's violation of its duty.

COURT HAS GOOFED!

You should have the same objection. What is happening is obvious to all America. The Court has goofed! In their zeal to pioneer in the field of human rights, the Justices have disobeyed the law for judges. Rather than being the heroes they thought they would be, they have incurred the wrath of everyone. The American Bar Association, the Association of State Supreme Court Justices, the State's Attorney Generals Association, the Association of Secretaries of State, and leading jurists have all condemned the Court. Even the Civil Rights Commissioners are throwing up their hands in despair. Comes now the President and Attorney General asking the Congress to build into the law a respect for the court and its disobedience of the law. They want the Congress not as a co-equal branch of government with the court, but to be its hatchet men. The Justices learn now a simple law of physics. A legal structure, like any other structure, must be built from the foundation up—not from the top down. The people through their Congress is the foundation of law and though the court has manufactured some supreme stories at the top, they continue to fall around at their feet for want of proper foundation. Like all the king's horses and all the king's men, all of these civil rights proposals and all the Congress can't put humpty dumpty together again.

THE STATE
Columbia, S. C.
Dated 4-15-59

STATES' POLICE POWERS

As the state's governor I specifically object to attempts on part of the federal government to take over the police powers of the states. We have law and order in South Carolina and we will maintain law and order in South Carolina. We don't need further federal authority. We believe not only in states rights but in states responsibilities. Accordingly, where needed, we have enacted our own state statutes for the proper exercise of the police power in order to give equal protection of all the laws to all our citizens regardless of race. We will not allow persons to take the law into their own hands. We will not have mob violence in our state. As a member of our House of Representatives, I authored the anti-lynch bill which is the law in South Carolina today. This law describes a mob as an assemblage of two or more persons without authority of law for the premeditated purpose of committing an act of violence upon the person of another. It provides strict penalties for mob violence. It is, I am informed, the strictest anti-lynch measure within the fifty states.

NO VIOLENCE HERE

I can tell you as governor of South Carolina that in any incident giving rise to a threat of mob violence, be it a labor dispute, racial tension or from whatever cause, South Carolina's laws will be enforced and there will be no mob violence. The federal statute suggested by the Attorney General is unnecessary in South Carolina.

We have sound, fair election laws. Everyone believes in the free exercise of the Negroes' privilege to vote. He exercises this right unhampered. I reiterate there's not a single complaint from South Carolina to your Civil Rights Commission on any voting right infringement or denial.

None of us condones violence, and although we have a malicious injury to property statute, when I took office in January I recommended a strict, clear-cut penal provision for those who would take the law unto themselves and deface and damage church and school property. A bill has been introduced by our Senate Judiciary Committee providing for this, and additionally providing for threats of such misconduct, and I and the legislative leaders present can assure you that though it is not needed, we will have such a law in South Carolina within the next few days.

When it comes to Civil Rights, South Carolina has a Civil Rights statute. Before I read the State statute, I want to read to you the original Federal Civil Rights statute so that you can recognize the striking similarity. Section 241 of Title 18, U.S.C.A., entitled "Conspiracy against rights of citizens" is as follows:

"If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

"They shall be fined not more than $5,000 or imprisoned not more than ten years, or both."

Section 16-101 of the 1952 Code of Laws of South Carolina, entitled "Conspiracy against civil rights," reads as follows:

"If any two or more persons shall band or conspire together to go in disguise upon the public highway or upon the premises of another with intent to injure, oppress or violate the person or property of any citizen because of his political opinion or his expression or exercise of the same or shall attempt by any means, measures or acts to hinder, prevent or obstruct any citizen in the free exercise and enjoyment of any right or privilege secured to him by the Constitution and laws of the United States or by the Constitution and laws of this state such persons shall be guilty of a felony and, on conviction thereof, be fined not less than one hundred nor more than two thousand dollars or be imprisoned not less than six months or more than three years, or both, at the discretion of the court, and shall thereafter be ineligible to hold, and disabled from holding, any office of honor, trust or profit in this State."

Now what is the matter with using either one of these statutes to deter the use of force or threats of force to obstruct court orders? The point is here that the technical difficulty presumed by the Attorney General in contempt proceedings in persons not being parties to the suit or the court not being in session is obviated. Court orders or no court orders—if persons interfere with the citizen in the free exercise or enjoyment of a right guaranteed by the United States Constitution, then they can be held under the state or federal law. I realize the lack of individual applicability, but it is mob violence that the President and Attorney General were after. The truth is that the United States Attorney General doesn't like this statute. He would rather it be kept a secret because it is so easily applicable to labor violence. Time and again labor strife in this country could have been arrested by proceed-

(Please turn to Page 14A)

THE STATE
Columbia, S. C.
Dated 4-15-57

(Continued from Page 13A)

under Section 241. If there were some way to measure labor strife and racial strife, there is no question that the former would far outweigh the latter. Labor disorder is of national concern. Racial disorder is of no such concern, but rather politically conceived.

If the Congress were to adjourn for ten years, the Negro in South Carolina would continue to receive excellent education — his voting right—his civil right—his constitutional rights. But, on the other hand, if the Congress fails to meet and in the next ten years fails to regulate labor violence, we are lost.

The Attorney General should start enforcing the laws he now has at hand and quit trying to play politics with minority and racial groups.

As Governor, I intend to enforce the law in South Carolina. Without the Civil Rights Commission and without these so-called civil rights statutes, law enforcement will be an easy task.

Although there has been some deterioration since the Supreme Court decision of 1954, there is still a feeling of respect for the law. There is a revulsion against pressure groups like the NAACP and Ku Klux Klan. The candidate who opposed me in the general election, James W. Cole, was a Klan leader. He is now in jail—not for opposing me, I may add, for opposing decency.

We have the highest respect and the most friendly relations with the Federal Bureau of Investigation.

South Carolinians respect their federal judges and federal courts. Grand juries are quick to indict for violations, and the United States Attorney will tell you he has complete cooperation. This will all go out of the window with the enactment of the proposed legislation. The people will feel—and they have a right to feel — that here are unnecessary laws being enacted against a minority South in the name of Civil Rights to gain political capital with other minority groups over the nation. Rather than upholding the federal government and the federal laws, they will feel that they are only political measures and the contest will be who can play the best politics rather than who can maintain law and order.

For myself, rather than dedicating my time to the furtherance of educational progress and industrial development to provide a future for all our people, I will be spending all of my time trying to maintain law and order.

Our State's Attorney General will adhere to the specific bills at hand. I will complete my statement with observations on the recommendations of the President that have prompted the proposed legislation. I have already commented on the President's first recommendation about prohibiting the use of force to obstruct court orders in desegregation cases. I have stated how the original Civil Rights Act would cover this proposal. I believe the obstruction of justice statutes Title 18 Section 1501-07 are sufficient to cope with any threat of mob violence. The bill including the President's first recommendation states in effect that persons who do violence to school court orders shall be punished for a crime, but those that do violence to other court orders shall go free. If the federal government needs further power to enforce its order in school cases, then it needs this power in all cases. I have already pointed out that there is more labor dispute than school dispute, and if needed, the Congress in its drive for equality should give equal authority in labor disputes. The point is that this is special legislation for a special offense designed against a special section of our nation, all in the pretended cause of "equal protection of the laws." Our section of the nation is known for peace and order. Our public leaders are known for their contribution and dedication to constitutional government and the preservation of all the freedoms for all the people. Anyone familiar with South Carolina and its people will tell you that rather than promoting civil rights these bills if enacted will create civil disorder. As a governor I am particular concerned. The police power is vested in the states and not in the national government, and the primary duty of the state's chief executive is to administer this police power. Whether Governor Orval Faubus was right or wrong will be argued from now on. Whatever your conclusion, the Attorney General now agrees that troops never should have been used and even Harry Ashmore has reported that desegregation can not now be had in Little Rock. Be that as it may. Faubus as governor used force to preserve law and order. The people, the real "law of the land" vindicated his judgment by an overwhelming majority at the ballot box. These are facts. There is no doubt that despite these facts, Brownell would have arrested Faubus had this bill been the law. Governor Shivers of Texas, Governor Clement of Tennessee, and Governor Faubus have all used force to maintain law and order in these school matters. There should never be the enactment of a statute by the Congress that would cause the arrest of a state's chief executive for performing his primary duty.

The creation of this new offense makes a mockery of the double jeopardy provisions of the Fifth Amendment. For a single offense the federal government could prosecute under first the obstruction of justice statutes, secondly the original Civil Rights Act, and thirdly under this proposal. If the offender were a party

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to an injunction, then he could be punished yet again, making four federal trials. That all these punishments are applicable for one offense illustrates both the unnecessary and dangerous features of this proposed legislation.

This proposal in effect makes all Americans second-class citizens, and Communists first-class. A Communist can threaten to overthrow the government but unless this threat is accompanied with an overt act, there is no violation. Here the threat by an American citizen against a court order is punishable even though it is unaccompanied by an overt act. The Congress will not be giving equal protection to its United States citizen. If you think this is a ridiculous approach, read the proposal carefully. Moreover, words of disagreement can easily be interpreted as threats. No one in the South has agreed with any of the court orders respecting the school decisions. They have so expressed themselves. The enactment of this bill would make criminals of them all.

Commenting on the President's second recommendation to give investigative authority to the FBI in school and church destruction cases, I would reiterate the police power is vested in the states and were it otherwise proper then such authority should be given for all crimes. There has been no indication that any federal authority is needed in this field. No one has escaped prosecution for such an offense in South Carolina and I know of no flights from such prosecution. The President stated "State authorities have been diligent in their execution of local laws dealing with these crimes." The Attorney General when he appeared before this Committee stated that "local officials have been diligent in their efforts to apprehend offenders" and at the same time he gave no instances wherein this proposal was necessary. He didn't cite a single case. This recommendation, therefore, is only an attempt to insult the South. While any type incident of this nature in the South receives national headlines, similar incidents in other sections of the country go unreported. Last October I was in attendance at the United Lutheran Church Convention in Dayton, Ohio. On the first evening of our conference we were saddened to hear of the passing of one of the world's greatest church leaders, the late Pope Pius. We were even more shocked that when the news was announced at approximately midnight in Dayton, it was greeted by a group of people proceeding to the Cathedral grounds in the City of Dayton, tarring a beautiful marble statue of the Pope, placing tinder sticks at the bottom and setting the likeness ablaze. There is no such anti-Catholic feeling anywhere in the State of South Carolina. When I came home and told of what had happened, my story was received with disbelief. I have yet to see this incident reported in any national publication. If it had occurred in South Carolina, the United States State Department would have been apologizing, and I believe it should have.

As to the President's third recommendation, I reiterate there hasn't been a single complaint of the violation of voting rights to the Civil Rights Commission from South Carolina. Persons in the South have resisted turning over election records to prevent fishing expeditions by the federal authorities. When the election records were needed, they were obtained through the grand jury in Alabama. To vest the Attorney General with power over election records is highly dangerous. In addition to the usual historical observations of grand jury indictment and trial by jury being written into our Constitution to protect persons from judicial tyranny, I would like to warn of the political danger that this poses—not so much to the South, because we are a one party state, but to those states that have vigorous two party systems with close elections. Attorney Generals are often selected more on the basis of their political ability than for their legal ability. Given the power to seize election records at a time of his own choosing, close elections could be controlled from Washington. I think the Attorney General should work through the local grand juries in this respect as they have always done.

I should refer here to the companion measures S. 456, introduced by Senator Javits, and S. 810, introduced by Senator Douglas, which undertake to give the Attorney General power to institute civil suits in behalf of any person who is denied equal protection of the laws on account of race, religion, or national origin. These bills again are concerned with select officers for select groups. Done in the name of equality, they violate equality. That they are designed especially is best evidenced by the Attorney General's response to Senator Ervin's suggestion that a statute be expanded to allow the institution of suits for denial of equal protection of the law on account of religion. Mr. Rogers' response in opposing such a suggestion, stated that it would not be wise, and said this: "I think it would require the government to become involved in a great deal of litigation which might very well harden the resistance that is already apparent in many areas to the point where it would be impossible to make any progress in the future." We are dangerously near that point in South Carolina due to the Supreme Court school decisions, and this bill would have exactly the effect that Mr. Rogers fears in the religious field. To use Mr. Rogers words, this bill would "curtail progress, rather than advance the progress in this field."

The fourth and fifth recommendations dealing with federal aid

THE STATE
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of authority in public schools is a typical camel's nose under the tent that probes continuously for those wishing to nationalize education. It is surprising that we have allowed the Federal Government to advance as far in this field as having a Department of Education. The people of this country will never stand for federal schooling. Even Chief Justice Earl Warren has agreed, as stated in **Brown v. The Board of Education**, 347 US 483; 98 Law Ed. 873: "Today education is perhaps the most important function of state and local governments." Two years ago the special presidential commission studying the so-called national emergency in public schooling found that in only thirteen states in America is a child not being denied an education for the lack of a classroom or a school teacher. Low per capita income South Carolina is one of these thirteen. We don't need federal aid. We don't want federal aid because we don't want federal controls. To give federal authority over public schools beyond a military reservation or other federal property is unthinkable. That these steps are only a foot in the door is best evidenced by the President's sixth recommendation that the Committee on Government Contracts be resolved into a Commission on Government Contracts. What was a committee is now to be a commission. It is the same national F.E.P.C. proposal that has been rejected as an unconstitutional assumption of state sovereignty and power by this Congress on numerous occasions.

As the President's final proposal to extend the life of the Commission, South Carolina reiterates her position of opposition to the original institution of this Commission. A continuation would only mean extended uselessness and increased discord. Whether the Commission has had time enough to do what certain politicians desired is probably doubtful, but certainly we have had enough time to determine the necessity of this Commission. This Commission was spawned by the flimsy testimony of news reports, hearsay, and political talk. $750,000 was appropriated for the expected tremendous volume of violations of civil liberties. There has been no case in South Carolina. The case in Alabama has been dismissed. The Commission has a doubtful case in Georgia, and if we are interested in the rights and freedoms of persons, there are far more incidents of rape, murder, and bank robbery in this country and a Commission for these offenses would be more logical even though equally unwarranted.

The real truth is that thinking leaders of both races in the South realize that integration is unwise, impractical and will never be accomplished.

The South has stood the acid test. With all the opinions and predictions of psychologists, sociologists and special interest groups, despite the heavy pressure of the national leadership of both political parties, despite the millions of dollars expended for airborne troops, hearings, court proceedings and what have you, only one hundred and sixty-five colored children have been integrated in the schools of ten states in the last five years. In Arkansas there have been 76; North Carolina 13; Tennessee 44; Virginia 80. In the other six Southern states, South Carolina, Georgia, Florida, Alabama, Mississippi and Louisiana, there has been no integration. The Southern Negro knows he is getting the best education and the best opportunity on an individual basis. We are denying him nothing on account of his race and we will give him nothing on account of his race. Lopsided internationalists may talk of the shame that racial incidents have visited upon these United States with the nations of the world. These nations know and understand racial differences. Rather than alarm for these incidents, the people of Europe were far more shocked at the striking similarity between Eisenhower and his use of troops to maintain law and order in Little Rock and Khrushchev's use of troops to maintain law and order in Hungary.

So-called civil rights legislation such as you have before you will drive deeply the shaft of division into the national body. Such bills would hurt our domestic and international efforts. They will hurt everyone, the white and the Negro alike. They will promote civil discord rather than civil rights. Law enforcement will depreciate as in the days of prohibition with local law officers opposing the Federal officers. They will make it extremely difficult for Governors of our states to maintain law and order. They will be a grievous disservice to our beloved America.

THE STATE
Columbia, S. C.
Dated 4-15-59

HOLLINGS' TESTIMONY

"The Court has goofed!" Governor Hollings told a Senate subcommittee yesterday.

By using the slang term, "goofed," he gave dramatic emphasis to the opinion that the Supreme Court of the United States had made a foolish, ridiculous mistake.

"In their zeal to pioneer in the field of human rights," the Governor said, "the Justices have disobeyed the law for judges.

"Rather than being the heroes they thought they would be, they have incurred the wrath of everyone."

Governor Hollings pointed out that the Court had been censured by the American Bar Association, the Association of Supreme Court Justices, the States' Attorney Generals Association, the Association of Secretaries of States, and leading jurists.

"Even the Civil Rights Commissioners are throwing up their hands in despair."

Now come the President and the Attorney General, in a welter of contradiction and confusion, "asking the Congress to build into the law a respect for the Court and its disobedience of the law."

"They want the Congress not as a co-equal branch of Government with the court," Governor Hollings continued, "but to be its hatchet men."

The Governor declared that good race relations can be created only by understanding, tolerance and respect, but good race relations can be disturbed by law.

With the facts of life in hand, and with an excellent South Carolina record in friendship, education and opportunity of both races to back him up, the Governor made a convincing case against the dangerous proposed legislation.

Citing the great damage that already has been done in the field of minority relationships by ill-advised judicial fiat, he warned, "Like all the king's horses and all the king's men, all of these civil rights proposals and all the Congress can't put Humpty Dumpty together again."

There is no reason to compound the error, or to try to camouflage its stupidity by giving it Congressional sanction.

J. L. Fulmer, Jr.
Editor THE STATE
Columbia, S. C.
Dated 4-13-57

62-9[illegible]-150

ENCLOSURE

Hollings Hits Self-Serving Politicians'

By The State's Washington Correspondent

WASHINGTON — "Top-sided internationalists," "self-serving politicians," and the national leadership of both political parties were soundly drubbed by the top echelon of South Carolina's state government Tuesday for espousing the "misguided" cause of "misnamed" civil rights bills.

In addition to bombarding pending civil rights legislation, two of the state's high officials called for the death of the present civil rights commission.

Gov. Ernest F. ("Fritz") Hollings warned the Senate and House Judiciary Committees that passage of further civil rights legislation "will only serve to destroy the well nigh boundless store of good will and understanding now existing among all races and all beliefs," in the South.

"As governor of all the people of South Carolina, the Negroes as well as the white people, I beg of you not to destroy the friendship, education, culture, and opportunity of both races by enacting the proposed civil rights bills pending in this subcommittee," Hollings said.

Hollings led a delegation of South Carolina's political leaders in testifying against the bills. Others who appeared before the committees were Sen. Edgar A. Brown of Barnwell, president pro tem of the State Senate and National Democratic committeeman;

(Please turn to page 7A col 1)

COMPLETE REPORTS

The full text of Governor Hollings' testimony against proposed civil rights legislation will be found on pages 13 and 14A.

A detailed account of Attorney General Daniel R. McLeod's arguments against the proposals appears on page 10B.

Hollings Hits

(Continued from Page 1)

Thomas H. Pope of Newberry, chairman of the South Carolina Democratic Party; Attorney General Daniel R. McLeod; Sen. Marion Gressette, chairman of the State Senate Judiciary Committee; and Rep. Bob McNair, chairman of the House Judiciary Committee of South Carolina.

Both the governor and the attorney general spoke in opposition to continuation of the Civil Rights Commission.

Hollings said a continuation of the commission would only mean extended uselessness and increased discord. He observed that there has been no case in South Carolina, a case in Alabama has been dismissed, and that a Georgia case has a "doubtful" label. A commission for the offenses of murder and bank robbery would be more logical even though equally unwarranted, the governor said.

McLeod said "the commission serves no useful purpose and has generated discord and strife. The attorney general said his views on the commission, already stated before a congressional committee in 1957 have been borne out by subsequent events.

He pointed out that the commission "has gone to the ludicrous extent of asserting that state election officials cannot resign their offices, but must, contrary to the constitutional provisions of the State of Alabama, remain in the status of dual officeholders for the purpose of being subjected to federal prosecution."

Hollings noted that most of the pending civil rights legislation has resulted from the Supreme Court's anti-segregation decisions.

He then concentrated his attack on the United States Supreme Court and against often-propounded arguments that the Court's interpretations of the Constitution are "the law of the land."

"The law of the land is the same today as it was the day this nation was founded in 1776," Hollings said. "That is the Constitution of the United States. Neither the United States Supreme Court nor their decisions is the supreme law of the land. The law student is taught in early days the difference between the law of the land and the law of the case or decision and too often in this field do we find the law of the case in the segregation decisions being mistakenly referred to as the law of the land."

"As governor I have sworn before God and my people that I will preserve and defend the Constitution of South Carolina and the Constitution of the United States," Hollings said. "The Constitution of the United States has been amended illegally by the Supreme Court and today we struggle to recognize the original.

"This 'noblest document ever penned' has been defiled by careless men of less nobility. Our United States Constitution, like all great things, finds its greatest strength in its permanency —and when that permanency is casually handled, its greatest strength suffers and weakens and perishes."

The governor described the amicable relations that now exist between white and Negro citizens of South Carolina, and warned that these relations will be destroyed if Congress and both national political parties continue to

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Dated 4-15-59

62-87115-1

ENCLOSURE

tamper with the sociological structure in the Southland.

Senator Edgar Brown warned: "I tell my fellow Democrats here and now that those of us who have held the South together politically believing that the Democratic party means more to the welfare of the people of the nation, that stalwart regular Democrats, as I claim to be, cannot be expected in the future to continue to keep our party majority together if you pursue further the *vicious affronts* against our people. You insult white and Negro alike when you engage in such false and useless methods."

A joint statement was submitted to the two judiciary committees by Senator Gressette, Representative McNair, and Party Chairman Pope.

Their statements concentrated mainly, on the constitutional provisions reserving to the states all rights not specifically delegated to the federal government.

"Let's face the bald facts about the proposed legislation," they said. "Its sole purpose is to advance the political careers of those who have become subservient to a coalition of minorities by seeking to further the cause of integration of the races. It is that, and nothing more.

"We in South Carolina, and in other states similarly situated, are doing all in our power to advance the best interests of *both* races. And we know from generations of practical experience that, now and in the foreseeable future, that cause can best be served on a basis of equal opportunity provided within a framework of segregation.

"We do not have interracial gang wars in our state, and we do not intend to have them. We are taking positive steps to prevent them by giving all of our people something better than an incentive for social strife in the pursuit of a false goal."

Attorney General McLeod attacked the legality and constitutionality of the separate provisions of the various bills pending before the committee.

He concluded: "We have made wonderful strides in South Carolina. Our economy is advancing. There is no friction or discord among the races. There are no complaints that anyone's constitutional rights are being, or have been, infringed. We desire to pursue our lives peacefully and harmoniously and we intend to do so. The adoption of these measures will serve only to be a disrupting and discordant force.

"They offend the Constitution and the *sensibilities of Americans* who believe that the people can best engage in the constitutional objective of the pursuit of happiness unhampered by federal intrusion such as will be brought about by these measures."

When Rep. Emanuel Celler (D-NY), House Committee chairman, told Hollings he had "not been tolerant of skin," the governor replied:

"We are tolerant of skin. The Negro has made more advancement in the white South than anywhere else in the world."

Hollings said he was "tired of do-gooders for the South."

"I admit you folks are sincere," he said, "but you're going to destroy *human rights* if you approve the civil rights proposal you have under consideration."

Celler said the fact that only 165 Negro children have been integrated into Southern white schools is a clear indication that the Supreme Court decision has been set at naught by the South.

Hollings replied: "You're mistaken to say we in South Carolina have not accepted the Supreme Court decision. We've accepted the Supreme Court decision for what it is."

Rep. William E. Miller (R-NY) commented: "You're saying the 1954 decision of the Supreme Court was usurpation of rights of Congress and three fourths of the states."

"Yes, sir," Hollings said emphatically.

Rep. Byron G. Rogers (D-Colo) asked Hollings if the U.S. attorney general should represent a child in a case where he has been discriminated against because of race, color or creed.

When Hollings said "No," Rogers asked: "Do you want the National Assn. for the Advancement of Colored People to file a suit or petition in such a case?

"We don't want the NAACP under any circumstances," said Hollings.

The governor said South Carolina "will have separate but equal school facilities as long as the majority of people want them. And I don't think we'll ever have integration unless the majority of people want it."

He said no Negro child has applied to go to a white school in South Carolina since the May 17, 1954 decision of the Supreme Court calling for desegregation in schools.

"We want education and we'll do everything possible to keep the schools open. Leave us alone and we'll keep them open," he said, adding: "We'll do everything possible to keep the schools open regardless of statutes enacted."

Hollings told Miller: "We didn't come up here to make a newspaper story. We came to tell you the true story of South Carolina and how we feel."

"You're not for any civil rights bills, you've convinced us," a subcommittee member replied.

The two committees expect to hear later this week from South Carolina Negroes.

THE STATE
Columbia, S. C.
Dated 2-15-57

Brown Says Solid South May Shatter

By The State's Washington Correspondent

WASHINGTON—South Carolina's "Mr. Democrat," State Senator and National Democratic Committeeman Edgar A. Brown, warned the Democratic-controlled Congress Tuesday that continued meddling in the affairs of South Carolina by the federal government may well result in the smashing of the solid political South."

"This I say with a deep responsibility and sincerity: Leave South Carolina's affairs to South Carolina, or the consequences are apt to be disastrous from several viewpoints, not the least of which might be the smashing of the solid political South," Brown told a subcommittee of the Senate Judiciary committee.

Senator Brown, long a leader of the "party loyals" in South Carolina, was one of a group of South Carolinians led by the Governor of the state who testified against civil rights bills pending before the House and Senate Judiciary committees.

He sounded a dire warning to the National Democratic party which he has supported through the years.

"I declare that those forces outside the South who advocate such legislation are doing a terrible disservice to the well-being of all races and all people in South Carolina when they deliberately agitate such issues," he said.

"For reasons of year-to-year political expediency, these forces outside the South are threatening, by every new move they make, to disrupt the peace and harmony of the most deep-rooted, patriotic,

(Please turn to page 6A col 3)

Brown Says

(Continued from Page 1)

God-fearing section of this great nation.

"Both national political parties are equally guilty of short-sighted political judgment. This is asserted by me with great shame for the Democratic party after my 45 years of unswerving loyal devotion."

"I tell my fellow Democrats here and now, that those of us who have held the South together politically, believing that the Democratic party means more to the welfare of the people of the nation — that stalwart regular Democrats, as I claim to be, cannot be expected in the future to continue to keep our party majority together if you pursue further the vicious affronts against our people. You insult white and Negroes alike when you engage in such false and useless methods," Brown declared.

"I charge that both national parties have completely disregarded the people of substance in the South, including the responsible Negro people," Senator Brown told the subcommittees.

He said if the subcommittees had contacted the "large number of worthy and highly respected citizens among the Negro race in the South—citizens who serve the state increasingly well and who serve their own race faithfully and well," they would have learned that "our Negro population now enjoys all the civil rights afforded to all free Americans."

"The civil right of parents to have a voice in the schooling of their children does not curtail constitutional rights as spelled out in the Bill of Rights or elsewhere in the U. S. Constitution," Brown said. "Negro citizens have identical rights of exclusion in these same areas."

"Since most of the racial hulabaloo has originated and has been tragically exploited by irresponsible political opportunists outside the South, I have placed heavy emphasis upon the race guided political aspects, because that is where it belongs.

"I wish to point out respectfully that my 45 years of continuous political service and experience dates back to the days of men like Woodrow Wilson, William Jennings Bryan, Champ Clark and many other notable figures," Senator Brown said. "Never during all of the time of those strong men in the Democratic party was there any evidence of any desire, just for political purposes, to single out any section of the nation for such political skulduggery."

Info.

THE STATE
Columbia, S. C.
Dated 4-15-59

62-11[illegible]4

ENCLOSURE

5-572 (3-29-55)

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 5-15-59

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 6458-6473, Senator Javits, (R) New York, spoke concerning the American Bar Association (ABA) recommendations concerning the Supreme Court. Mr. Javits commented on proposed legislation to remedy the effect of certain of the Court's decisions. He stated "I wish to emphasize in what I say that I agree that in certain fields some legislation may be necessary. - - - What I am really driving at is that there is, within the context in which the special committee's report was issued, and in which the American Bar Association resolutions were adopted as well as in the series of bills before the Judiciary Committee, grave danger of a climate which is inimical to the future of the Court, by throwing the Court's role in our constitutional life, out of focus, and encouraging those whom I called last year the Court raiders to undertake new forays against the Court. Mr. Javits discussed several decisions of the Court, such as the Gold, Watkins, Jencks, etc. He stated, in connection with the Jencks case, "It will be recalled that the Jencks case, which was also very heavily criticized, was a case in which a union officer convicted of filing a false non-Communist affidavit was denied access to an FBI report, notwithstanding the testimony against him of the man who had prepared that report. - - - We have already enacted a statute as a result of the Jencks decision, prescribing procedures for the production of prior statements of a witness. This procedure, in substantial effect, prescribes the procedure which the Supreme Court indicated in the Jencks decision itself would be constitutional. It seems to me that this is a fair way to proceed, without trying to capture the Court's jurisdiction. At the same time, this procedure is fully protective of the Court's indispensable value to the American people. Mr. Javits requested to have printed in the Record the text of a memorandum he prepared on the specific cases cited in special committee report of the ABA. References to the FBI, contained in the memorandum, were as follows:

62-[illegible]
NOT RECORDED
126 JUN 1 1959

[redacted]

Records for [redacted] was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped if necessary and placed in appropriate Bureau case or subject matter files.

67 JUN 5 - 1959

5-57 A Y(3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 5-6-59

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 6693-6714 contain the discussion on the nomination of Potter Stewart to be an Associate Justice of the U. S. Supreme Court. This nomination was confirmed by the Senate. Page 6708, Senator Dirksen, (R) Illinois, spoke in support of this nomination. In his comments he stated All the information which is available to the FBI comes to the attention of our chairman, so we had a clear field when Justice Stewart's nomination first came on, by virtue of a recess appointment last fall, which was not passed upon by the Senate at that time because the Senate was not in session. Page 6712, Senator Thurmond, (D) South Carolina, spoke in opposition to the nomination. Mr. Thurmond commented on recent decisions of the Court and included with his remarks a weekly newsletter he sent out on this subject. He stated in this newsletter Here is the Supreme Court's bill of rights for Communists: - - - A defendant can compel the Government to show him, through the trial judge, statements that witnesses against him made to the FBI in secret, pretrial investigations (Jencks case).

12-2-1955
NOT RECORDED
126 MAY 21 1959

In the original of a memorandum captioned and dated as above, the Congressional Record for [illegible] was reviewed and pertinent items noted. This memorandum is [illegible]

67 MAY 22 1959

ORIGINAL FILED IN

-ages 6747-6750, Congressman Alford, (D) Arkansas, spoke concerning the Supreme Court. He stated 'the greatest emergency which confronts our country today is not the Soviet or Red China or the Berlin crisis or inflation; it is the destruction of the Constitution of the United States of America by the oath-breaking usurpers who are now members of the Supreme Court." He makes reference to the recommendations by a committee of the American Bar Association that Congress pass legislation "which would in effect, wipe out the long string of pro-Communist decisions of the Warren Supreme Court." Mr. Alford went on to state "The Bar Association committee demanded legislation to: Keep the FBI files confidential. - - -"

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: May 8, 1959

FROM : C. D. DeLoach

Tolson
Belmont
DeLoach
McGuire
Mohr
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

SUBJECT: TOURS
U. S. SUPREME COURT
[redacted] D.C.

At 3:30 p.m. today [redacted] at the Supreme Court, telephoned Wick. (His phone number is Code 1207, Extension 335.) [redacted] said the Justices are considering the placing of dignified exhibits in the Supreme Court Building proper with a view to improving relations with the public. He pointed out he is [redacted] at the Supreme Court and is attempting to improve them.

[redacted] said he had been conducted on a Bureau tour not too long ago, was very favorably impressed with our tour set up and therefore would like to come over to talk with someone who could assist him. He pointed out it will be necessary for the Supreme Court to hire tour leaders, make up exhibits and in general handle arrangements in much the same manner as we handle them here in the Bureau. He said he has chosen FBI tours for study because he believes they are the best in Washington, the best handled and the FBI gets the best results.

RECOMMENDATION:

That we tell [redacted] we would be glad to see him. I will discuss the matter with him sometime Monday or Tuesday, May 11 or 12, 1959, at his convenience, arrange for him to be taken on a tour and have Supervisor [redacted] go into the details of training of tour leaders, the tour route, etc.

1 - Mr. Jones
1 - [redacted]

REW:sak
(4)

EX-102 REC-60 62-21582-157

62 MAY 19 1959

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach

DATE: 5-12-59

FROM : M. A. Jones

Tolson
Belmont
DeLoach
McGuire
Mohr
Parsons
Rosen
Tamm
Trotter
[redacted]
Tele. Room
Holloman
Gandy

SUBJECT: TOURS
U. S. SUPREME COURT
[redacted] D.C.

66-1
b7C

At 10:00 a.m. on May 12, 1959, captioned individual came to the Bureau and was received by SA [redacted] of the Crime Research Section to give him some assistance in planning tours in the Supreme Court Building [redacted] which [redacted] will have charge. You took the opportunity to meet [redacted] and offer him any assistance we could render in connection with the planning of his own tour. He was most appreciative.

[redacted] was then taken on a tour of our facilities and the arrangement of our tour route, exhibits and the manner in which we handled our thousands of visitors were explained to him. Afterwards he was introduced to [redacted] who is in charge of Bureau tours, and a discussion was had with him concerning the administrative handling of the tours and tour leaders. [redacted] was very grateful and stated he may be in touch with us later as he came across problems on which we might be able to help him.

RECOMMENDATION:

For information.

1 [redacted]
(3) [redacted]

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66

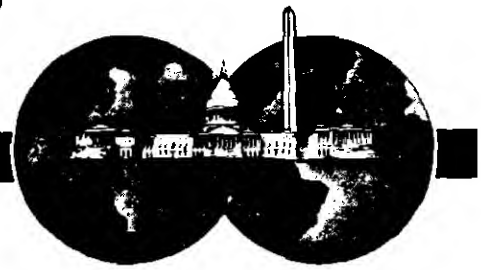
EX-102

REC-60 62-21585-152

1959

62 MAY 19 1959

A DIGEST AND ANALYSIS OF WASHINGTON INTELLIGENCE FOR LIMITED DISTRIBUTION



EXCLUSIVE

Supreme Court

June 10, 1959

THE HUGE SUCCESS OF THE $100 A PLATE testimonial dinner for the Republican members of the Congress revitalizes the GOP, produces widespread hopes for a massive 1960 election comeback. Party leaders find particularly gratifying the new financial arrangement sponsored by National Committee Chairman Thruston Morton. The dinner's $300,000 net return will be split (60-40) between the GOP House and Senate Campaign Committees -- instead of the traditional arrangement whereby the National Committee would have siphoned off for itself 60 percent of "the take."

This Service learns that Senator Thruston Morton is receiving accolades for his work thus far as National Chairman, especially for having created harmony between the two Congressional campaign committees, the National Committee and the White House. Mr. Morton finds fullest understanding at the White House, largely because Mr. Eisenhower feels that the National Chairman is his own choice, and not a Chairman virtually thrust upon him, as in the case of Meade Alcorn.

The new Chairman devotes almost full time to his new assignment, reduces his work in the Senate to barest minimum. Mr. Morton is well aware of the still-remaining deadwood in the National Committee. He is determined to whittle it away, but gradually and with finesse.

RICHARD NIXON CONTINUES TO REMAIN FAR AHEAD as the probable GOP presidential candidate, completely overshadows Nelson Rockefeller, who himself is well aware of Nixon's giant lead. The New York Governor, though definitely a presidential aspirant, thus far is running scared. He refuses to enter the Oregon primary, is most reluctant to venture in the New Hampshire primary.

Except for a small dissident group inside the New Hampshire GOP, the party pros in the Granite State are solidly behind the Vice President. This includes the Governor, Wesley Powell, a protege of Senator Styles Bridges and a close friend of Nixon.

The Washington friends of Richard Nixon are secretly delighted at the latest political faux pas committed by the Nelson Rockefeller forces. The Rockefeller team excluded women from attending New Jersey Congressman James Auchincloss' testimonial dinner for Rockefeller this week at the Capitol Hill Club.

62-27555

NOT RECORDED

24 JUN 17 1959

53 JUN 22 1959

CRIM REC.

The Women are irate, argue they are dues-paying members and see no valid reason for the closed doors. As part of Washington's jungle warfare, a rumor is being circulated that the stag idea was strictly Nelson Rockefeller's. This happens not to be so. The New York Governor was inveigled into the no-women-allowed idea by his Madison Avenue-Wall Street political amateur advisors.

Richard Nixon has no illusions over the basic hostility of the Thomas Dewey crowd, knows they are pushing hard for Nelson Rockefeller. The Vice President is temperamentally tolerant of opposition, but as a realistic politico keeps a careful accounting of friends and enemies. There will be a settling of many scores if he is elected President in 1960.

THE DEDICATED ANTI-COMMUNIST COMMUNITY in Washington is elated over the Supreme Court's current decisions, sees in them a belated but real vindication of the Congressional committees' investigation of subversion.

By a 5 to 4 vote, the High Court virtually rewrites the catastrophic Watkins decision, underwrites these principles: (1) The Communist Party is not an "ordinary" party, but seeks to overthrow the Government by force and violence; (2) The Government has the right of self-preservation "against Communist attacks;" (3) A Congressional investigation could not be bound by the strict requirements needed for criminal prosecution; (4) The mandate creating the House Un-American Activities Committee is upheld; (5) The Judiciary cannot question the motives of a Congressional Committee, so long as the Committee acts in pursuance of its Constitutional power.

Capitol Hill realists accept the High Court's new rulings with both hands. But they remind that the Court retreated from its former grotesqueries only after severe public criticism, and in the face of pending anti-Court legislation. The Court's new rulings may be a tactical retreat, a temporary right turn.

Note: The fact remains that four Supreme Court Justices (including Chief Justice Earl Warren) still insist that the Communist Party is just another political party. They refuse to acknowledge the essential conspiratorial and subversive nature of the Communist Party.

DO NOT TAKE SERIOUSLY LYNDON JOHNSON'S CURRENT ATTACK on the Republicans for their alleged "sabotage" of the Congress. The Senate Majority Leader, in a grandstand-play Baltimore speech, accuses GOP House Leader Charles Halleck and GOP Senate Leader Everett Dirksen of offering the voters only "partisan slogans shouted hastily in the microphone" after their weekly talks with President Eisenhower.

Your editor interprets Lyndon Johnson's outburst as a political tantrum which exposes his own frustration over the truly effective floor work of the Republican leadership in both houses of the Congress.

Returned from a two-week (cardiac) rest in Texas, the Majority Leader faces a heavy work load, finds that the Democrats cannot rapidly push through their inflationary

legislative program, despite their heavy majority. The housing bill, the airport bill, the distressed areas bill -- all are bogged down in the House because of the effective coalition between Republican and conservative Democrats.

The GOP does not have the votes in Congress, but it still exercises a persuasive ideology.

Mr. Johnson typically wants what he wants when he wants it, but he cannot get it precisely because of his top-heavy majority. Too many Democratic legislators feel they can safely stray from the reservation since their individual votes are not essential for the party's legislative program.

Mr. Johnson is characterized in the Senate cloakrooms as the Majority Leader who wants "everything done yesterday." Yet, for narrow partisan pursuits he permits a time-consuming filibuster against Lewis Strauss' confirmation. Should the anti-Strauss filibuster become excessive, expect the Republican leadership to retaliate with its own filibuster against Lyndon Johnson's legislative plans.

LEADING U. S. EXPERTS ON COMMUNISM privately express amazement and indignation to EXCLUSIVE over the grotesque whitewash of Kremlin tyranny made by Averell Harriman in his current newspaper dispatches from the Soviet Union. The former New York Governor and ex-Ambassador to Russia, now a beneficiary of the "vodka and caviar tour," performs a great disservice to the West by lending his name and authority to the most naive apologetics.

He makes three main points, each a distortion of the Soviet reality:

(1) Soviet forced labor camps are a thing of the past. This sweeping Harriman generalization is based on the bland public statement by Nikita Khrushchev that the labor camps have been disbanded; and on a personal visit to the Klyukova Correction Colony, 50 miles outside of Moscow.

Mr. Harriman boasts that he is permitted to travel at will inside the Soviet Union, yet he chooses to inspect a model prison near Moscow, instead of the scores of slave labor camps in the Arctic regions. The former Governor waxes rhapsodic over the conditions in the Klyukova Prison, describes its sports, recreational and educational facilities, gives the impression that Soviet penology is more advanced than ours.

(2) The so-called "comradely courts" are described as lenient, informal trials held by a Soviet citizen's neighbors and fellow-workers. Actually, these comradely courts have been recently reintroduced by Khrushchev as a means of tightening the Communist Party's authority over the average Soviet worker.

Where the regime cannot punish a Soviet citizen for violation of existing law, it now gets at him through the comradely courts on charges of breach of labor discipline and petty theft.

These "courts" are controlled by Communist Party members who whip up a lynch spirit against the accused. Thus, the average Soviet citizen now has to fear not only

the police, but also his neighbors, forced to demonstrate loyalty to the regime by harsh verdicts. The comradely courts narrow even further the small area of privacy vouchsafed the Soviet citizen.

(3) The voluntary auxiliary police are described as dedicated primarily to controlling drunkenness, rowdyism and "foul language" among the Soviet population.

Actually, Mr. Harriman unwittingly keeps from his readers the fact that the Soviet cities are riddled with serious crime, beyond the control of the regular police. The creation of the auxiliary police indicates a widespread breakdown of law and order in Russia. Mr. Khrushchev has not the slightest interest in reducing the use of "foul language," is himself no little Lord Fauntleroy.

Mr. Harriman misses the essence of the Soviet psychological climate. The average Soviet citizen is bitter toward the Kremlin, envies the highly-paid Soviet bureaucrats ("the new magnates" as they are called in Russia), loathes the Communist Party.

Mr. Harriman's fairy tales will be used by the Kremlin propaganda machine the world over to "prove" the success of Soviet communism. Apparently Harriman believes his dispatches will prove his qualifications for the post of Secretary of State, should the Democrats win in 1960.

THE HIGH ESTEEM IN WHICH LEWIS STRAUSS IS HELD by all the groupings in the GOP is shown by this public statement of Secretary of Labor James Mitchell: "My association with Mr. Strauss goes back all the time I have been in Washington. I have found him to be a very able, dedicated public servant. I was delighted when the President nominated him for his job as Secretary of Commerce and I hope that the Senate will see fit to confirm him."

Vol. V, No. 23

EXCLUSIVE is published every Wednesday by SPECIAL REPORTS, INC., Suite 300-D Sheraton Park Hotel, Washington 8, D. C., [illegible] $24.00 per annum.

Office Memorandum

TO : [redacted]

FROM : C. D. Scatterday

SUBJECT: [redacted]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 7/2/18 BY [redacted]

b6
b7C

[redacted]

ACTION: 62-27585- * Dept Justice advises no record of employment on her

177 None. This is for Director's information.

RECORDED 6 JUN 25 1959

[redacted]

Best Copy Available

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 6-19-59

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Original filed in: 66-1731-1184-

Pages A5295-A5297

Senator Keating, (R) New York, extended his remarks concerning recent Supreme Court decisions and included several editorials on this subject. Included was an editorial from the Christian Science Monitor of June 10, 1959, entitled "The Court and Contempt." The reference to the FBI, contained in that editorial, was set forth in a memorandum prepared earlier today.

REC-39 62-27585-157

NOT RECORDED
184 JUL 15 1959

EX 101

In the original of a memorandum captioned and dated as above, the Congressional Record for 6-18-59 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

51 JUL 22 1959

O — 5

Mr. Tolson	
Mr. Belmont	
Mr. Del[illegible]ch	
Mr. McGuire	
Mr. Mohr	
Mr. Parsons	
Mr. Rosen	
Mr. Tamm	
Mr. Trotter	
Mr. W.C.Sullivan	
Tele. Room	
Mr. Holloman	
Miss Gandy	

1700 Johnston Building
Charlotte 2, North Carol[illegible]a
July 2, 1959

Mr. John Edgar Hoover
Director
Federal Bureau of Investigation
Washington, D. C.

Supreme Court

Dear Mr. Hoover:

While in Asheville, North Carolina, on other business on July 1, 1959, I took the opportunity to hear the Honorable William P. Rogers, Attorney General of the United States, address the 29th Judicial Conference of the Fourth Circuit at the Grove Park Inn. Mr. Rogers made several points of which the following, I think, would be of interest to you:

1. That Federal Judges be appointed on a limited partisan basis, i.e., that the two major parties agree that there never be a greater disparity than a 60 - 40 % ratio of members of either party serving on the bench. He stated what he would like to see would be an equal 50 - 50 % of Republican and Democrat Judges serving on bench.

2. He severely criticized the delay in confirmation of Federal Judges, thereby causing the various calendars to become overcrowded, resulting in the delay of handling criminal and civil cases.

62-27585-

NOT RECORDED
167 JUL 16 1959

10 JUL 16 1959

TWO

62-53[illegible]

ORIGINAL COPY FILED IN

3. He commented upon our continuous engagement in the "cold war" with the Communists.

4. Based upon an inquiry from the audience he commented upon the Department's endeavors to combat organized crime on a Federal level, qualifying his statements with the fact that the major problem rested in the hands of local law enforcement, and he felt it was a 90 % local problem and 10 % Federal problem.

Following the Attorney General's address, I took the occasion to discuss matters of mutual interest with all the U. S. Attorneys and Federal Judges in the Fourth Circuit. I am sure you would be interested in the fact all of these gentlemen commended you and the Bureau for the very efficient handling of investigative matters that have been tried by or before them.

A most interesting discussion was given by the Honorable James R. Browning, Clerk, Supreme Court of the United States, on "Historic Documents in the Supreme Court Files." This address was probably the highlight of the day and I feel the Bureau could do well to schedule Mr. Browning to appear before the National Academy on this subject matter. He is a very personable individual whose material is prepared in an excellent fashion, and he is an outstanding speaker.

Sincerely yours,

Roy K. Moore

Roy K. Moore
Special Agent in Charge

62-27585-

July 16, 1959

PERSONAL

Mr. Roy K. Moore
Federal Bureau of Investigation
Charlotte, North Carolina

Dear Mr. Moore:

It was a pleasure to receive your informative letter of July 2, 1959. The high lights of the Attorney General's address were very interesting, and I am glad to know of the favorable attitude of the officials in the Fourth Circuit.

I appreciate your suggestion regarding having the Honorable James R. Browning address the National Academy and you may rest assured this will be given careful consideration. Thank you for your thoughtfulness in advising me.

Sincerely yours,

J. Edgar Hoover

[redacted]
(3)

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JUL 23 1959

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AUG 26 1959

Rec

The States Supreme Court

New Orleans, Louisiana 1957.

The Editor-Times Picayune

Some years ago Alexander Hamilton said in one of his speeches that no man should be chosen for the high office of The United States Supreme Court unless he were a man of the highest principles, a man of the highest integrity and honor, and one who had a background of Judicial experience. He stated that politics should never enter into the Sacred portals of that court.

That is the creed of long ago, the creed of our forefathers, men who were of sterling character and spiritual strength. That sacredness of the Supreme Court was of that day and was traditional. I would like to add that it is a psychological fact that no nation, no man, or group of men can demand respect unless they either earn it or deserve it.

What have we today as judges of the United States Supreme Court? One judge who frankly acknowledges that he is a politician, and who also recently attended a social function given by the Russian Embassy in Washington in celebration of the Red Revolution. Another judge born in a foreign country and naturalized, who sponsored a Government appointment for both Alger Hiss and his brother Donald Hiss; and when Alger Hiss was arrested for treason and later convicted, appeared as a character witness and praised Alger Hiss as a loyal and patriotic American. Another judge has a very close relative who was cited by the Unamerican activities commission because of her communistic activities, and I do not recall whether she when in court called upon the Fifth Amendment or not.

The Constitution of the United States stresses that the function of the Supreme Court is for its members to interpret the laws for the people; and, instead of doing so, these judges have violated the Constitution by forming their own laws. Such as an Edict of a few months ago depriving the states of the Union of their sovereign right to prosecute sedition cases. They countermanded a jail sentence given a man named Nelson in one of the states, who was sentenced by a local court for his communistic activities and also that he was a declared communist, accordingly he was set free. A man named Eugene Dennis, chairman of the communist party in New York gave a big celebration, praising the United States Supreme Court and stated that it was a wonderful victory for their party, the Communist Party. The next violation of the Constitution was that evil, vicious law they formed called Integration, that law they crammed down the throats of a Free white people, and yet they call it The Law of the Land.

To right thinking people of this land it is a law of tyranny formed by a group of men who have deliberately violated the Constitution of these United States by forming their own laws and ignoring the fact that the chief function of their office is to intepret laws instead of forming laws.

REC-8 62-27585-155

23 AUG 19 1958

These judges have evidently ignored the judicial duties of their office and have tried to absorb the other two branches, the legislative and the Executive. They have also deliberately deprived the states of their sovereign rights. They are trying to usurp the powers of Congress. They are evidently trying to mongrelize America. They are trying to tear to shreds the ideals of democracy and trying to turn it into a decadent democracy.

And yet, there are people in this country who speak of the Law of the Land, and speak of the sacredness of the U. S. Supreme Court, which was once traditional. The cancerous growth of America today is the type of men chosen for high office, whose greed and lust for power blinds them as to the proper perception of right and wrong. This almost malignant growth is aided and abetted by numerous people who could be called renegades, and who are evidently devoid of any sense of real American patriotism. Ah, yes! The sacred portals of the Supreme Court of long ago. The memory of our forefathers should haunt the America of today.

b6, b7C [redacted] La.

b6,
b7C [redacted]

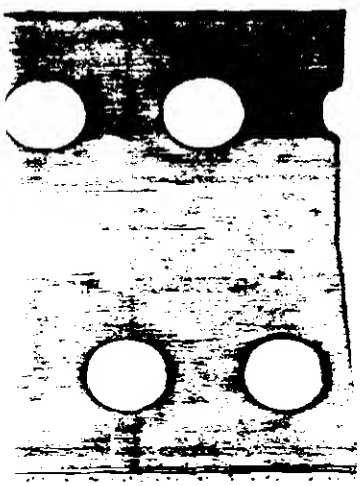
The Supreme Court of the United States
Washington, D.C.

Dear Lifers:

Just because President Roosevelt vilified the Supreme Court is no excuse for the common man to. After all, by rewriting the Constitution to suit modern life you are saving the people all the time, trouble and expense of having to amend the Constitution.

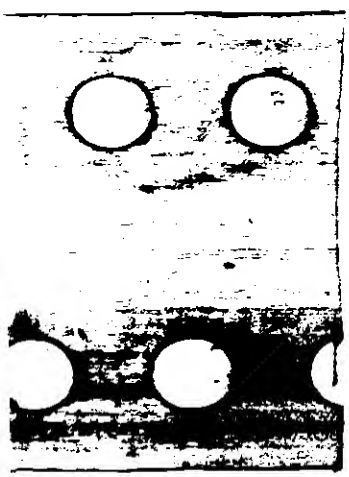
The reactionaries who have to be pulled into the 20th century dragging their feet and clutching the Constitution to their breasts naturally can't understand you fellows. They're used to having judges on the Court. They don't realize that human values are what count today--not law--and that you justices were appointed because of your social, economic and political backgrounds and ambitions. How could you make America over, if you were tied down to the rulings of past Courts, the laws of Congress or that ancient Constitution?

You threw out the convictions of 14 California Communists...you ruled against firing a government worker suspected of being a security risk...you turned loose a dope peddler because the government agent who sold the stuff to him had to remain anonymous so he could trap other citizens...like good sports you decreed that FBI files must be opened to criminal or Communist when the contents of those files are being used to prosecute him...you ruled that past membership in the Communist party is not a bar to the practice of law...you released three men who harbored a convicted and fugitive Communist leader because the FBI agents raided the house without a warrant...you held the Justice Department can't bar Communist activity by an alien who is under a deportation order...you destroyed the right of states to try Communists on sedition laws, saying all sedition cases must be tried by the Federal Government only. 'Betcha you can turn Communists loose faster'n J. Edgar Hoover can lock 'em up.



Since 1932 the Court has departed from decisions previously rendered on 35 occasions, whereas there had been only 29 such reversals in the entire history of the court before 1932. So the recent law of the land is sorta like a movie actress' hair--whatever suits the mood and the occasion. The Constitution is your hula hoop to be played with according to your fancy.

Can't you make the States Righters realize that schools and things must be federalized if we are to compete with Russian schools and things? Like the Kremlin, you must make all states under your domination conform to whatever national educational and social standards in your great wisdom you deem best for the world and us. Back when states and communities were free to run the schools any way they wanted to, they had little one-room school houses where the only thing red was the schoolhouse itself and where about all they had worth having was freedom--and, of course, that's out of date now.



Let's not make the same mistake on integration and civil rights that we made on Prohibition. Just because the people didn't want Prohibition and it couldn't be enforced, Congress repealed it. But everybody know people just can't drink equally, although many do separately. Separate but equal, you've ruled, is not equality! And all men are created as equal as anybody who'll just look around him can plainly see. We must force togetherness in churches, parks, theatres, swimming pools, subdivisions, dancing classes, farm organizations, editorial staffs, boards of directors, garden clubs, fraternities, society pages, living rooms and boudoirs. Twenty-four states have laws against intermarriage of whites and Negroes. Why don't you make that against the law of the land?

62-27515-156
EX-136 REC-84 NOT RECORDED
23 AUG 19 1959

This head-on battle for power between the federal and state governments goes back to Noah. He had to bring into the ark "of every living thing of all flesh, two of every sort ..." If he had just forced integration on the boat, we wouldn't have all this trouble now. Just think of the possibilities: A woodpecker housed with a carrier pigeon might have produced a pigeonpecker that not only would deliver a message across a continent but would knock on the door when it got there.

The racists should take a more tolerant view of racial amalgamation (they call it mongrelization). When we're like Brazil, Cuba and Puerto Rico everybody will be the same color. For amusement, we can have white-face musicals and books like "Ole Beige Joe" and "Grey Beauty". There won't be anymore Sammy Davis, Juniors on TV, 'cause there won't be anymore Sammy Davis, Juniors. Ain't that fabulous?

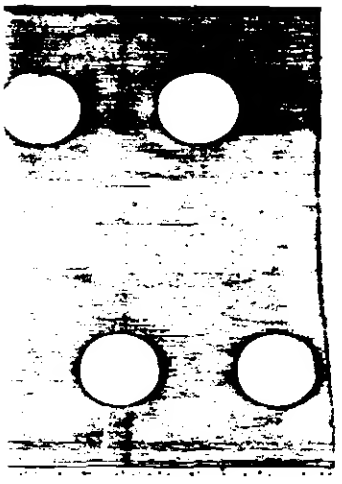
Isn't it unfair that citizens in some areas of the nation do not have an equal opportunity to really mix with their colored brothers? Would you please pass a law requiring those little exclusive commuter towns around the big eastern cities to benefit by living with, going to school with, working with and socializing with their share of Negroes? I am sure you'll agree that it's un-modern-American to let the Negroes be discriminated against by being forced on poor whites only. The Burning Tree and Augusta National golf clubs, the DAR and the Junior League, Princeton and Groton must be Little Rocked.

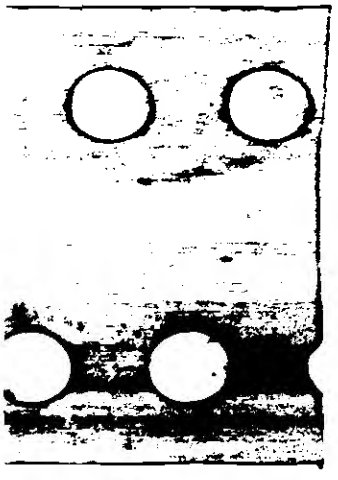
CRIME REC.

63 AUG 25 1959

Aren't you worried about the clear and present danger that the Southern die-hards might really make a go of private segregated schools? Suppose Arkansas decided to refund to each student his or her per capita share of school tax money to be used to go to the school of his choice--couldn't you make a law of the land against that? Some pupils would choose an integrated school, some a white, some a Catholic, some a colored...what a horrible un-modern-American mess, freedom of choice!

Some people who recognize that the Supreme Court--not the Constitution--is the law of the land, say that integration is inevitable, we might as well accept it. Reactionaries say a people integrated against their will is a people unintegrated still. Abraham Lincoln said "To sin by silence when they should protest, makes cowards of men." But Abe lived a long time ago, before the Supreme Court Chamber became a mixing mortar--which is a bowl in which the ingredients are broken, crushed, and ground together--with all deliberate speed.





b6,
b7C

[redacted]

b6,
b7C [redacted]
Santa Barbara,Calif.
Sept.14,59.

Mr.J.Edgar Hoover,
Cheif of F.B.I.
Washington,D.C.
Dear Mr.Hoover:

With all of the trouble that our large cities are having with those tough juvenile bums these days,I write to you and offer,what I think is a good suggestion to curb it,at very little expense.

The answer is the old fashioned whipping post of our early pioneer days.There is only one thing those scum understand,and that is pysical pain.Each large city should establish a whipping post and let the judges meet out so many lashes,according to the crime.These lashes should be administerd by the sherrif and should be done in full veiw of the public,so that all the other taughs can see it done.That would stop this trouble at once.

I was raised in Illinois but my father was born and reared in Wilmington,Delaware in the late 60s and early 70s. I well remember him telling about the whipping post they used to have there to be used for wife beaters,rapists etc.It go good and permanent results.

Another thing I must write to you about is the disgracefull actions and unlawly actions of our supreme court.You and your good men knock yourselves out catching and the courts convicting the commies and the supreme court turns right around and turns them loose.

I think it is high time that the people and congreee do something to curb such actions.Our own Mr.Teague will be here this summer and I intend to have a personal talk with him to see what he can do to have congress enact proper laws to curb these red sympathisers.

I have always admired you and your work and I do hope that you wont get discouraged and give up the fight.

With kindest personal regards,I remain,

Your friend,

b6,
b7C [redacted]

REC-99
EX 105

62-27585 157

18 SEP 25 1959

REC-99 62-27585-157

EX-105

September 24, 1959

[redacted]
Santa Barbara, California

b6, b7C

Dear [redacted]

Your letter dated September 14, 1959, has been received in Mr. Hoover's absence from Washington, and I am acknowledging it for him. I know that Mr. Hoover would want me to thank you for your kind message and for making available your observations and comments.

Sincerely yours,

Helen W. Gandy
Secretary

MAILED 19
SEP 24 1959
COMM-FBI

REC'D-READING ROOM
FBI

NOTE: Correspondent is not identifiable in Bufiles. An in-absence reply is being forwarded in this case in view of Strain's evaluation of the Supreme Cou

Tolson
Belmont
DeLoach
McGuire
Mohr
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

FBI

[redacted] (3) b6, b7C

SEP 30 1959

MAIL ROOM ☐ TELETYPE UNIT ☐

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: October 7, 1959

FROM : Mr. G. H. Scatterday

Tolson
Boardman
Belmont
Mohr
Nease
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

SUBJECT: [redacted] b7C-166

SUPREME COURT NAME CHECK REQUEST

On October 5, 1959 a request for a name check on [redacted] born [redacted] was received from [redacted] Marshal of the Supreme Court. [redacted] is applying for a position as Supreme Court policeman. b6, b7C

A check of Bureau files reveals no information concerning [redacted]

Memorandum Mr. Nichols to Mr. Tolson dated 8/3/57, reveals that the Director has instructed that no action be taken concerning any requests received from the Supreme Court until the matter has been presented to him and he personally rules on the request.

RECOMMENDATION:

That the Form 57 received from the Supreme Court be stamped "no derog data" and returned to that agency.

Form 57 Stamped "No derog" & returned to Supreme Court 10-7-59

1 - Belmont
1 - Name Check
1 - [redacted]
(4) [redacted] b6, b7C

REC-4 62-27585-158

12 OCT 9 1959

NAME CHECK

53 OCT 14 1959

PERSONAL ATTENTION
SAC LETTER NO. 59-73

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

December 2, 1959

WASHINGTON 25, D. C.

(A) APPEALS TAKEN IN BUREAU CASES -- The Supreme Court recently announced its decision in a case investigated by the Bureau. News of this decision was the first advice to the Bureau that the case had been appealed, even though SAC Letter 59-2 (C), dated January 13, 1959, pointed out the interest of the Bureau in appeals in Bureau cases and instructed that copies of briefs be obtained and furnished to the Bureau. The Manual of Rules and Regulations further instructs the field divisions to keep the Bureau fully and properly advised of all information that would be of interest to the Seat of Government.

In this instance the field office, which was both office of origin and office of prosecution, did not know of the appeal although it was its obvious responsibility to be aware of such action. It is clear, therefore, that mere reliance upon a professed agreement by the office of the United States Attorney to advise the field office of appellate action is insufficient to assure the proper discharge of the field's responsibility in this regard and some periodic affirmative check is required.

It is desired, therefore, that an immediate check be made in order to determine whether any Bureau cases are being appealed. Where such are found, the Bureau should be furnished all details together with copies of any briefs filed. Where appeal action to the Supreme Court is initiated, the Washington Field Office must also be informed in order that that office may follow the progress of the case in Supreme Court. Similar action should be taken with respect to cases in the Court of Appeals, advising the appropriate office so that the progress of the case may be actively followed through the court.

The desired check should be completed immediately and the Bureau advised of the results on or before December 15, 1959, where any appeals are found. Negative results need not be reported to the Bureau.

Each office thereafter should strengthen its liaison with United States Attorneys and perfect other arrangements which may be indicated by the procedures in the various district and appeal courts in order to be promptly advised concerning any appeals taken in cases in which the FBI has an interest so that the Bureau may be promptly advised. Such arrangements as you may make, however, should be handled in a discreet manner in order that no criticism of the Bureau will arise through any misinterpretation of the basis for your action in this regard.

Very truly yours,

John Edgar Hoover

Director

62-21575
NOT RECORDED
102 DEC 9 1959

57 DEC 9 1959

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: November 24, 1959

FROM : A. ROSEN

SUBJECT: JOHN PATRICK HENRY
ALBERT RUDOLPH PIEROTTI
THEFT FROM INTERSTATE SHIPMENT (TFIS)

A newspaper article reports Supreme Court decision which set aside conviction of subject John Patrick Henry on charges of unlawful possession of merchandise stolen from an interstate shipment. By a 7-2 decision, the Supreme Court declared that suspicion alone was not sufficient reason for making an arrest. The court majority ruled that there was insufficient "probable cause," since the arrest occurred at the moment that the subjects were stopped by the Agents, who, at that time, had no reason to believe that a crime had been committed, although contraband was immediately discovered thereafter. Chief Justice Warren and Justice Tom Clark dissented, contending that, when an investigation reaches the point where an Agent had reasonable grounds to believe that an offense was being committed in his presence, he was obligated to proceed to make searches, seizures and arrests as the circumstances require. Justice Clark stated, "It is only by such alertness that crime is discovered, interrupted, prevented and punished."

The facts of this case are that on 5-13-57, Agents of the Chicago Office observed subjects John Patrick Henry and Albert Rudolph Pierotti, whom they recognized as well known package thieves, pick up three cartons from an address in Chicago, Illinois, and place these cartons in an automobile borrowed by the subjects. The Agents stopped the subjects in the car and observed the labels on the cartons. The cartons were identified as a part of an interstate shipment stolen from a trucking company in Chicago on 5-13-57.

These facts were immediately presented to Assistant U. S. Attorney Frank McGar, who authorized prosecution against the subjects for violation of the TFIS Statute.

On 5-21-57, the Federal Grand Jury returned a one-count indictment against both subjects for possession of merchandise stolen from an interstate shipment.

1 - Training and Inspection Division

[redacted]

62-37585

NOT RECORDED
DEC 16 1959

DEC 15 1959

Memorandum for The Director
Re: John Patrick Henry; Albert Rudolph Pierotti
Theft from Interstate Shipment

On 9-18-57, the defense attorney for subject Pierotti filed a motion in Federal District Court on behalf of his client for suppression of evidence, stating that the evidence was illegally seized in that the Agents did not have a search warrant, nor a warrant to arrest. On 10-27-57 the Federal judge denied this motion and on 1-24-58 both subjects were tried in Federal Court, Chicago, and were found guilty and sentenced to one year and one day. On 10-10-58, the Chicago Office advised that the U. S. Court of Appeals for the 7th Circuit, Chicago, Illinois, affirmed the decision of the U. S. District Court relative to the subjects' sentences.

ACTION TAKEN

The Washington Field Office has been instructed to immediately obtain a copy of the Supreme Court's decision. This decision will be promptly reviewed and analyzed.

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

FROM : A. ROSEN

SUBJECT: JOHN PATRICK HENRY, ET AL.
THEFT FROM INTERSTATE SHIPMENT

DATE: November 25, 1959

This is submitted in connection with the Director's inquiry as to whether advice was received at the Bureau that this case was being appealed to the Supreme Court.

The Chicago Office, where this case was prosecuted in the United States District Court, did not advise the Bureau that this case was being appealed to the Supreme Court. The Solicitor General's Office did not advise the Bureau of the fact that an appeal was being taken to the Supreme Court. In fact no information at all was received at the Bureau to the effect this case was being heard by the Supreme Court until the Supreme Court decision was publicized on November 23, 1959.

When the Supreme Court decision was announced action was instituted to get a copy of the decision immediately and to determine why the Bureau had not been informed of the fact this case was being considered by the Supreme Court.

SAC Lopez at Chicago has advised that the Bureau was never informed by the Chicago Office of the appeal in this case because the Chicago Office had not been advised by the United States Attorney's Office of the appeal, even though a specific request was made of Assistant United States Attorney Walters, who has since resigned, that the Chicago Office be notified if an appeal was taken. The Chicago Office was on notice that such an appeal might be taken since Assistant United States Attorney Walters advised on December 3, 1958, that the evidence should be retained in the event an appeal to the Supreme Court was taken.

The file in this case in the Chicago Office was closed on February 13, 1958, following conviction of subjects on January 24, 1958, in the United States District Court, Chicago. On October 10, 1958, the

(5) b7C, 66

62-27585
NOT RECORDED
128 DEC 16 1959

11 DEC 15 1959

PERS. FILES

60 DEC 21 1959

ORIGINAL FILED IN

Memorandum to the Director

Chicago Office advised the Bureau that the conviction of subjects had been affirmed by the Seventh Circuit Court of Appeals in Chicago.

ACTION TAKEN:

(1) The Chicago Division did not take sufficient steps to insure it would have knowledge of any appeal taken in this case. That office was on notice of a possible appeal and had asked an Assistant United States Attorney to keep the Chicago Office informed in this regard. That the United States Attorney's Office did not do this indicates improper liaison between the Chicago Office and the United States Attorney's Office. The Chicago Division has been requested to submit detailed memoranda as to the handling of this matter in that office, and as soon as these are received appropriate recommendations for administrative action will be made.

See attached instructions to field dated 1-13-59 V. L.

(2) Inasmuch as the Washington Field Office does not check the Supreme Court docket but secures briefs and follows specific cases only when requested to do so, we have instructed the SAC of the Washington Field Office to see if any steps can be taken immediately through an examination of public information at the Supreme Court to identify cases in which the Bureau may have an interest as an additional safeguard to insure we learn of cases in which the Bureau has an interest and so that the Seat of Government can closely follow these cases. This is being expedited.

R E V.

This is terrible & responsibility must be fixed L.

Something wrong in this operation. Even attached instructions did not fix responsibility for getting briefs [illegible] D.C. for this memo states Wash. Field only gets [illegible] when [illegible]

4-528

62-27585-159, 160, 161, 162, 163, 164

CHANGED TO

66-19076-27X, 53X2, 53X3, 53X4, 53X, 53X1.

SEP 8 1961

PS/SD

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: December 16, 1959

FROM : Mr. G. H. Scatterday

Tolson
Belmont
DeLoach
McGuire
Mohr
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

SUBJECT: [redacted] b7C
SUPREME COURT NAME CHECK REQUEST

On December 14, 1959, a name check request was received from [redacted] Marshal, U.S. Supreme Court, on [redacted] born [redacted] The Form 57 submitted indicates that [redacted] is an applicant for U.S. Supreme Court Policeman.

b6, b7C

A check of Bufiles reveals no identifiable information concerning [redacted]

Memorandum Mr. Nichols to Mr. Tolson dated August 3, 1957, reveals that the Director has instructed that no action be taken concerning any requests received from the Supreme Court until the matter has been presented to him and he personally rules on the request.

RECOMMENDATION:

That the Form 57 on [redacted] be stamped "No Derog Data" and returned to the U.S. Supreme Court.

b6, b7C

12/16

1 - Mr. Belmont
1 - Name Check Section
1 - [redacted]
[redacted]
(4)

b6, b7C

62-27585-165

18 DEC 17 1959

NAME CHECK

32 DEC 23 1959

Mr. J. Edgar Hoover
Director
Federal Bureau of Investigation

December 3, 1959

15-23-269

J. Lee Rankin
Solicitor General

John Patrick Henry, et al.
Theft from Interstate Shipment

Your memorandum of December 1, 1959, indicates that the FBI was not advised of the pendency of the Henry case in the Supreme Court. Because of the small staff in this Office (both professional and clerical), we have been unable to undertake the burden of informing the various non-litigating units of this Department, as well as the various outside departments and agencies, of cases pending in the Supreme Court which may possibly be of interest to the particular unit or agency. We have had to rely upon the litigating divisions of the Department and the United States Attorneys to bring this information to the attention of those interested.

This Office would have a considerable problem in keeping the Bureau informed of all Supreme Court cases in which it might have an interest since FBI agents are involved, directly or indirectly, in a very large number of the criminal cases in the Supreme Court (as well as a substantial number of the civil cases), and the Bureau is probably also interested in certain cases involving the practices or problems of other investigative agencies. I do not believe that it would be practical for us to make a selection out of our cases so that we would be sure to inform the Bureau of all cases in which it had an apparent interest. If we are to keep the Bureau informed of such pending cases, the best procedure for us would seem to be to forward the briefs, petitions, etc., in all Supreme Court criminal cases and in those civil cases originating within this Department. If we do that, I believe that the Bureau will be in a position to decide which of the cases it should follow and to request further information from us if needed. If this arrangement is not satisfactory, I would appreciate your letting me know so that we can work out some other mutually convenient arrangement.

162-27585-
NOT RECORDED
128 DEC 21 1959

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Mr. Tolson 12/3/59

D. J. Parsons

JOHN PATRICK HENRY, et al
THEFT FROM INTERSTATE SHIPMENT

SYNOPSIS:

Supreme Court reversal of conviction in Henry v. U. S., decided 11/23/59 for lack of adequate probable cause to arrest, raises question whether new instructions to field on probable cause are needed. Probable cause for arrest is already extensively discussed in Manuals and Training Document "Law of Arrest." Also, the Henry case is so muddled by two prosecution errors that considerable question exists as to what the Court would have held had the case been properly presented. Review of transcript and briefs shows these errors, both originating with U. S. Attorney Tieken, Chicago, and staff, are: (1) conceding the crucial point that arrest occurred when the Agents first stopped the car rather than later when more probable cause existed, and (2) failure to show at trial the full amount of probable cause existing at the conceded point of arrest. This same problem of probable cause for arrest is again before the Court in Rios v. U. S., (narcotics) in which Department takes stand opposite to that in Henry case, contending that arrest did not occur when car stopped, but later. Outcome of Rios case will be most pertinent to meaning of Henry case. Despite this uncertainty, Training and Inspection suggests field be advised of decision in Henry case and given such instructions as possible at this time. Also, that the Department be given the Bureau's views on the problems raised by this decision.

RECOMMENDATIONS:

1. That the attached SAC Letter be sent to the field.

2. That the attached letter be sent to the Department.

ORIGINAL COPY FILED IN 62-27585-37

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1 - Mr. Rosen
1 - Mr. Belmont
1 - Mr. Mohr
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Enclosures

62-27585-
NOT RECORDED
140 DEC 14 1959

7 DEC 16 1959

MAIL ROOM ☐ TELETYPE UNIT ☐

Memo for Mr. Tolson
RE: JOHN PATRICK HENRY, et al

DETAILS:

The question for consideration in this memorandum is whether instructions to the field should be issued following the Supreme Court reversal of a conviction in Henry v. U.S., decided November 23, 1959. The Court held (7-2) that Henry, charged with theft from interstate shipment, had been arrested by FBI Agents without sufficient probable cause for arrest.

In considering the instructions which might be issued, it is pertinent to note the following factors: (1) The subject of probable cause is already discussed at length in Bureau instructions; (2) the Henry case is too muddled by prosecution errors to indicate what the Court would have held had it been fully presented; and (3) another case (Bureau of Narcotics), involving the same legal question, and in which the Department takes a position opposite to that taken in the Henry case, is now before the Supreme Court on certiorari. Each of these points is discussed below.

(1) Existing instructions on probable cause.

Probable cause is discussed extensively, with citations to leading cases, in the Manual of Instructions, Vol. 1, Section 1, C, and on pages 83 to 90, inclusive, of "The Law of Arrest, Training Document Number Twenty-nine, September, 1957."

(2) Prosecution errors in the Henry case.

The Government conceded that Henry was arrested at the moment that FBI Agents stopped the car in which Henry and another defendant, Pieretti, were riding. This point is crucial to the decision as to the amount of probable cause which the Agents had for arrest. Under the view that the arrest took place a few minutes later, when the Agents asked the defendants to accompany them to the field office, the Agents had a great deal of additional probable cause from statements made by Henry and from seeing the stolen goods in the car.

The point was originally conceded, for no apparent reason, by U. S. Attorney Tieken, Chicago, and his assistants Waters and Lulinski. Henry v. U.S., 250 F2d 728 (1958); page 87, Transcript of Record to Supreme Court. In arguing the case before the Supreme Court, the Department adhered to the concession and stated that they did not "deem it appropriate" for the government to take the alternative theory at this time (it is considered improper for the government to take a position before the Supreme Court which it did not urge in the lower courts, Jones v. U.S., 357 U.S. 493 (1958)). It should be noted, however, that the Department cited recent cases in opposition to this concession and stated that the government "...does propose to develop the point fully in the pending case of Rios v. United States, No. 82, this Term." Pages 13, 14, 15, Department's Brief. The Department made it clear to the Court that in the Rios case its position on when the arrest took place will be the opposite of that taken in the Henry case. Footnote, page 5, Supreme Court opinion.

Although the majority of the Court agreed with the government's conceded position, Page 5, Supreme Court opinion, the minority, speaking through Clark, said the government made the concession "unnecessarily" and that "...this Court is not bound by the government's mistakes." In this situation we cannot be at all sure of what the decision would have been had the government not conceded this vital point.

The second error of the government was its failure to fully show all the probable cause possessed by the Agents at the conceded point of arrest. This error originated in the examination of Special Agent George Stadtmiller by Ass't U.S. Attorney Waters at the trial, as follows:

"Q. Had you ever received any information concerning the implication of the defendant Pierotti with interstate shipments?

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Mr. Piragine (defense counsel): Object.
The Court: He may answer.
By Mr. Waters:
Q. Will you answer that, please?
The Court: Yes or No.
By the Witness:
A. Yes."
By Mr. Waters:
Q. From whom did you receive that information?
A. Mr. Lieberman, Vice-president of Ziffrin Truck Lines.
Q. Is Mr. Lieberman the employer of the defendant Pieretti?
A. Yes, sir."

Here ends the questioning on this point. At no point was there any reference to the Agent's information that Pieretti was implicated in thefts from interstate shipment. The question was not phrased to bring that out, and the Agent was directed by the court to answer "Yes or No," which resulted in his being unable to amplify his answer. Lieberman was not brought in as a witness.

It is clear that Agent Stadtmiller had more probable cause information than was brought out. His memorandum of 11-7-57 states:

> "Albert Peretti, subject in this case, has been implicated in nearly every one of the Ziffrin thefts at Chicago over the past few years. Herman Liberman (sic), Vice-President of Ziffrin, at one time hired Peretti and paid him an extra salary to 'safeguard' the freight. This arrangement did not work to Liberman's satisfaction, however, and was dissolved. Liberman hopes to testify as to the past thefts at Ziffrin and as to agreements he has made with Peretti." (Buffle 18-27688-8)

Although the Circuit Court of Appeals upheld the Henry conviction (2-1), it noted the incompleteness of the probable cause information in the following language:

> "Stadtmiller indicated that he was acquainted with both appellants, (although he was not asked to explain in what connection he knew them) and also testified that he had received information concerning the 'implication of defendant Pierotti with interstate shipments,' this information purportedly coming from a Mr. Lieberman, Vice-president of the Elfrin Truck Lines and employer of Pierotti. There is no indication in the record in what manner Pierotti was so implicated." Page 81, Transcript.

The dissenting judge was strong on this point. He said;

> "Again in oral argument before this court the Government admitted that it could not explain what had been meant by the words 'acquainted' and 'implicated.' It has not been argued, nor from this record could it be so argued, that any connotation unfavorable to defendants must or should be placed upon these words. They stand alone unexplained and undefined and as such they are meaningless. They cannot be twisted or contorted into personal knowledge by the Agents that the defendants were criminals or were known to be involved in federal law violations..." Page 88, Transcript.

The Department noted the omission and tried to excuse it in the Supreme Court brief as follows:

> "The record is not explicit as to the exact nature and extent of the implicating information which had been conveyed to the officer. But the record on this point is meager because the defense objected to the line of inquiry and because the trial judge, apparently out of an overzealous regard for the defendants' rights, did not permit elaboration." Page 17, Department Brief, 8-24-60.

The Department then went on in an attempt to prove, by Webster's Dictionary, that "implication" means implication in a crime.

The Supreme Court majority noted this absence of any information on theft from interstate shipment in the following language:

> "The Agents had been given, by the employer of Pierotti, information of an undisclosed nature 'concerning the implication of the defendant Pierotti with interstate shipments.' But, so far as the record shows, he never went so far as to tell the Agents he suspected Pieretti of any such thefts. Petitioner's friend, Pieretti, had been suspected of some implication in some interstate shipments, as we have said. But so far as this record stands, what these shipments were and the manner in which he was implicated remain unexplained and undefined. The rumor about him is therefore practically meaningless." Supreme Court opinion, Pagel, 6.

Since Pierotti and Henry were jointly involved in the transactions noted by the surveilling Agents, the absence of the referenced probable cause against Pierotti bore on the lawfulness of the arrest of both.

(2) The same legal question is again before the Supreme Court.

In Rios v. U.S., No. 52, this Term, the same legal question, i.e., whether the arrest occurs when the officers stop the car or after they have observed incriminating evidence in the car as a result of stopping it, is again before the Court. This is a Bureau of Narcotics case. In this case, however, as noted earlier, the Department is taking a position opposite to that taken in the Henry case.

Despite the uncertainty of the situation, Training and Inspection suggests that an SAC Letter be sent to the field with such instructions as are possible at this time, and that the Bureau's views on the case be sent to the Department by memorandum.

OPTIONAL FORM NO. 10

UNITED STA[redacted] E[redacted] NT

Mem[redacted]

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Malone
McGuire
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W.C. Sullivan
Tele. Room
Ingram
Gandy

TO : MR. A. H. BELMONT

DATE: February 3, 1960

FROM : MR. G. H. SCATTERDAY

SUBJECT: [redacted]
SUPREME COURT NAME CHECK REQUEST

On February 1, 1960, name check requests were received from [redacted] Marshal, U. S. Supreme Court, on [redacted] born [redacted] and [redacted] born [redacted] The Forms 57 submitted on each of these individuals indicate the position applied for as laborer.

A check of Bufiles reveals no identifiable information concerning [redacted] or [redacted]

Memorandum Mr. Nichols to Mr. Tolson dated September 3, 1957, reveals that the Director has instructed that no action be taken concerning the requests received from the Supreme Court until the matter has been presented to him and he personally rules on the request.

RECOMMENDATION:

That the Forms 57 on [redacted] and [redacted] be stamped "No Derog Data" and returned to the U. S. Supreme Court.

1 - Mr. Belmont
1 - Name Check Section
1 - [redacted]

[redacted]
(4)

REC- 11 62-23785-166

4 FEB 5 1960

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 3-2-60

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 3589-3638 and 3687-3750, the Senate continued debate on civil rights legislation. On pages 3708 and 3709, Senator Byrd, (D) Virginia, in a discussion of the Supreme Court's decision in the school integration case, commented on several of the other recent decisions of the Court. He stated "When one analyzes the principal ones, he finds that, stripped of legalistic technicalities and applied practically, the pattern takes this form: - - - Sixth. Open confidential files of the FBI and interfere with its administrative responsibilities. Mr. Byrd went on to state "Neither has the Warren Court spared the executive branch of the Federal Government, as we have seen in the Jencks case. That decision, involving the FBI files, was too much even for one of the Justices on the Court." Pages 3714-3718, Senator Byrd included excerpts of the report of the American Bar Association committee on Communist tactics, strategy, and objectives in connection with the Supreme Court decisions. References to the FBI, in connection with the Jencks and John Stewart Service cases, have been noted. On page 3731, Senator Eastland, (D) Mississippi, submitted an amendment to establish a U. S. Crime Census. Mr. Eastland pointed out that this was recommended by former President Herbert Hoover. Mr. Eastland quoted some of the remarks of the former President on this matter. Mr. Eastland stated "He points out that despite the magnificent job J. Edgar Hoover does in assembling major crime statistics, there remains a vast area of things about crime which we do not know. He says that before we can do anything constructive about the terrifying problem of increased crime, we need to know its dimensions." On page 3749, Senator Eastland commented on the Supreme Court decision in the school integration cases stating "Today it is crystal clear that in spite of court orders, worldwide injunctions, contempt citations, swarms of Federal marshals and FBI agents, and even the use of the finest combat soldiers in the U. S. Army, communities that are opposed to the intermingling of white and Negro children in the public schools are going to maintain segregated schools."

Original filed in: 62-27585-

64 MAR 14 1960

62-27585

NOT RECORDED
117 MAR 11 1960

In the original of a memorandum captioned and dated as above, the Congressional Record for 3-1-60 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Mem......lum • UNITED STAT ERNMENT

TO : The Director DATE: 3-7-60

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 4274-4277, Senator Mundt, (R) South Dakota, spoke concerning the need for action on legislation which will prevent Communists from getting passports. He included an article from the February issue of the Reader's Digest entitled "No Passports For Our Enemies" written by Charles Stevenson. It is stated in the article "In an attempt to get congressional action to close this gaping hole in our defense, FBI Director J. Edgar Hoover last year told Congress: 'This (Supreme Court) ruling will facilitate the travel of spies, couriers, and subversives. The next time a representative of the party is summoned to the Soviet Union he will not even have to go to the trouble of using an alias.' Mr. Mundt also included the transcript of a television program on which he and Mr. John Hanes, State Department's Administrator of Security, appeared. Mr. Hanes stated at that time "Mr. J. Edgar Hoover has, on a number of occasions, pointed this out as one of the serious gaps in our defensive screen."

Original filed in:

62-5[illegible]

In the original of a memorandum captioned and dated as above, the Congressional Record for 3-5-60 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

RECORDED MAR 18 1960

62 MAR 18 1960

4-572 (3-29-55)
STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 3-15-60

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 5107-5110, Congressman Alford, (D) Arkansas, spoke concerning constitutional law and decisions of the Supreme Court. He included an editorial from the Pioche (Nevada) Record of February 18, 1960, entitled "The Nation's Constitutional Crisis--A Legal Analysis of Virginia's Stand." The editorial states "In the Jencks case the secret FBI files were ordered by the Supreme Court to be made available to a criminal who was charged with offenses against the safety of the United States as a part of a secret organization of its foreign enemies. In a dissenting opinion, Justice Clark pointed out that the Court is making a new ruling for procedure without the approval of Congress."

Original filed in: 66-1

52 MAR 25 1960

In the original of a memorandum captioned and dated as above, the Congressional Record for 3-14-60 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

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NOT RECORDED
17 MAR 22 1960

FD-36 (Rev. 12-13-56)

FBI

Date: 9/7/60

Transmit the following in _____ (Type in plain text or code)

Via AIRTEL _____ (Priority or Method of Mailing)

CONFIDENTIAL

Mr. Tolson
Mr. Mohr
Mr. Parsons
Mr. Belmont
Mr. Callahan
Mr. Conrad
Mr. Malone
Mr. McGuire
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. W. C. Sullivan
Tele. Room
Mr. Ingram
Miss Gandy

TO: DIRECTOR, FBI

FROM: SAC, WFO (62-0)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

UNITED STATES SUPREME COURT
INFORMATION CONCERNING

Classified by _____
Declassify on: OADR

[redacted]

(3) - Bureau
3 - WFO

REC-63 62-27580-167

25 SEP 7 1960

Approved: _____ Sent _____ M

Special Agent in Charge

CONFIDENTIAL

EC - Belmont

CONFIDENTIAL

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[redacted]

CONFIDENTIAL

Milford, Conn.
Dec. 21, 1959

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Callahan
Mr. Mohr
Mr. Malone
Mr. McGuire
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. W.C.Sullivan
Tele. Room
Mr. Ingram
Miss Gandy

Mr. J. Edgar Hoover
F.B.I. Director
Department of Justice
Washington, D.C.

66-1
57C

Dear Sir -

At the start of this brief I would first say that over the many years you have been a credit to your high office and have duly merited the acclaim of every real-American throughout our Country.

But, I would ask - What profit a man in your office when after years of diligent and devoted work in behalf of the vital interests of his Country - he finds it all gone for naught - and woefully dissipated by an ingrate and traitorous decision of our degenerated Supreme Court. - And, to make matters worse - more nauseating - and damnable - to then witness our like degenerated Congress, playing dead and condoning such a damnable decision?

Of course, in the above paragraph you will readily know that I am referring to those numerous Communists which your office tracked down - arrested - and witnessed their conviction - only to then witness our said degenerated Supreme Court setting them free - What a consolation and damnable paradox.

Now, Mr. Hoover, what motivates me to write this brief is to ask you - How do you think those of us feel who gave of our time - furnishing information etc. to your various branch offices on some of those liberated Communists? Do you think we should be interested - or, concern ourselves about giving any further information to any of your offices on Communists?

In speaking for myself - I would say - that according to my present feelings of disgust - I doubt very much - that if I were to know for a certainty - that this Race of Communists had it planned to blow up the buildings that house our Congress - and especially, that building that houses our totally degenerated Supreme Court - that I would do anything to avert it - And, I believe this is how the rest of those real- Americans feel that have given of their time in reporting Communists to your various offices. - In fact, it now glaringly appears that it would take just such a damnable happening to awaken from their years of stupor - our wholly political minded - derelict - condoning, and degenerate Congress.

EX-105 REC-10 62-27585-168

I am a few months short of being 75 years of age which according to the recorded leaves me to be 10 years older than you - With the great help and example of a wantonly derelict and cowardly U. S. Congress, I have witnessed the rapid degeneration of Christianity, and patriotism of my Country, during the past 20 years. - I have two Lawyers in the family - a brother - and a son - They think at my age that I should not concern myself with such matters - They tell me I

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DEC 14 1959

should leave such matters to younger men - I ask them where are the younger men of this day that will interest themselves and give just a little of their time - without pay - to discover and report Communists - It seems quite evident that the dollar is the symbol of patriotism of our younger men of today - Oh, yes, they will enlist - or respond to being drafted to fight Communism abroad - But, when it comes to their organizing at home and fighting the rapid growing Communism in their own Country, they are about as animated, alert, and patriotic as a dead fish.

There also, was a U. S. Senator, in the family - by marriage - He passed on from this chaotic world about 12 years ago - And, when I look back on him I can't fail to recognize the vast difference in him and the brand we have in our Congress today. So, here you have just a little of my family background.

And, lest I forget, I would also inform you of the fact - that I am very much disliked by a certain Race - due to the exposures I have made of the Communists in the Race - Their dislike of me I consider a well merited honor.

I believe I could point out a few more of the Race that are 100 per cent Communists - But, after my experience - which only just a little of is herein mentioned - I believe I will emulate our Congress and let them run rampant.

At my age I don't know how much longer I may be permitted to remain on this chaotic planet - So, thought I would get this brief off to you as a delayed piece of unfinished business.

Trusting that you will remain impervious to such backs as those decisions of our degenerated Supreme Court - and cowardly condoning Congress, of said Court - And, with best wishes for your continued good health to carry on with your great and thankless work, I am

Sincerely yours,

[redacted]

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[redacted]
Morningside, Woodmont, Conn.

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REC- 10 62-27585-168

December 12, 1960

b6,
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[redacted]
Morningside
Woodmont, Connecticut

Dear [redacted]

Your note of November 25, 1960, enclosing your letter of December 21, 1959, has been received during Mr. Hoover's absence from his office, and I am acknowledging it. I know Mr. Hoover will appreciate your thoughtfulness in forwarding this letter to him, and you may be sure it will be brought to his attention upon his return.

Sincerely yours,

MAILED 31
DEC 12 1960
COMM-FBI

Helen W. Gandy
Secretary

DEC 12 4 39 PM '60
READING ROOM

NOTE: Correspondent cannot be identified in Bufiles. In-absence reply deemed advisable in view of his attack against the Supreme Court.

[redacted] (3)

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Malone
McGuire
Rosen
Tamm
Trotter
C. Sullivan
Tele. Room
Holm

MAIL ROOM ☐ TELETYPE UNIT ☐

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

Tolson
Mohr
Parsons
Belmont
Callahan
DeLoach
Malone
McGuire
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Ingram
Gandy

TO : Mr. A. H. Belmont DATE: January 12, 1961

FROM : Mr. F. J. Baumgardner

SUBJECT: H. R. 4756 87th Congress 1st Session 1961

On January 3, 1961, Congresswoman St. George, R.-N.Y. introduced the captioned bill to limit the appellate jurisdiction of the Supreme Court. The bill, which was referred to the committee on the judiciary, provides that the Supreme Court shall have no jurisdiction to review either by appeal, writ of certiorari, or otherwise, any case in which the issue is (1) the validity of the jurisdiction of or any function of any congressional committee or subcommittee, including proceedings against a witness charged with contempt of Congress; (2) the validity of the jurisdiction of or any action or practice of any officer or any agency of the Executive Branch of the Federal Government, pursuant to the Federal Employees Security Program; (3) the validity of any statute or executive regulation of any state aimed at controlling subversive activities within such state; (4) the validity of any rule or regulation adopted by a school board, board of education or board of trustees concerning subversive activities in its teaching body; and (5) the validity of any law, rule or regulation of any state or board of bar examiners pertaining to the practice of law.

OBSERVATIONS:

This bill is identical with H. R. 634 which was introduced by Mrs. St. George during the first session of the 86th Congress and is obviously aimed at preventing possible future Supreme Court decisions unfavorable to the Government in cases involving contempt of Congress and loyalty of Government employees, as well as possible decisions unfavorable to the various states in cases involving state prosecutions of subversives, teachers' loyalty oaths and admission of communists to the practice of law.

ACTION:

None. For information. We will follow the progress of 756.

ENCLOSURE ATTACHED

2 ENCLOSURE

(6)

REC. 19 62-27585-16

JAN 17 1961

1 - Mr. Parsons
1 - Mr. Belmont
1 - Mr. Travers
1 - Mr. Baumgardner
1 -

51 JAN 27 1961

87TH CONGRESS
1ST SESSION

H. R. 756

A BILL

To limit the appellate jurisdiction of the Supreme Court in certain cases.

By Mrs. ST. GEORGE

JANUARY 3, 1961

Referred to the Committee on the Judiciary

87TH CONGRESS
1ST SESSION

H. R. 756

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1961

Mrs. ST. GEORGE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To limit the appellate jurisdiction of the Supreme Court in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 81 of title 28 of the United States Code is amended by adding at the end thereof the following new section:

"§ 1258. Limitation on appellate jurisdiction of the Supreme Court

"Notwithstanding the provisions of sections 1253, 1254, and 1257 of this chapter, the Supreme Court shall have no jurisdiction to review, either by appeal, writ of certiorari,

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or otherwise, any case where there is drawn into question the validity of—

"(1) any function or practice of, or the jurisdiction of, any committee or subcommittee of the United States Congress, or any action or proceeding against a witness charged with contempt of Congress;

"(2) any action, function, or practice of, or the jurisdiction of, any officer or agency of the executive branch of the Federal Government in the administration of any program established pursuant to an Act of Congress or otherwise for the elimination from service as employees in the executive branch of individuals whose retention may impair the security of the United States Government;

"(3) any statute or executive regulation of any State the general purpose of which is to control subversive activities within such State;

"(4) any rule, by law, or regulation adopted by a school board, board of education, board of trustees, or similar body, concerning subversive activities in its teaching body; and

"(5) any law, rule, or regulation of any State, or of any board of bar examiners, or similar body, or of any action or proceeding taken pursuant to any such

law, rule, or regulation pertaining to the admission of persons to the practice of law within such State."

(b) The analysis of such chapter is amended by adding at the end thereof the following new item:

"1258. Limitation on the appellate jurisdiction of the Supreme Court."

86TH CONGRESS
1ST SESSION

H. R. 634

A BILL

To limit the appellate jurisdiction of the Supreme Court in certain cases.

By Mrs. ST. GEORGE

JANUARY 7, 1959
Referred to the Committee on the Judiciary

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Copy to Dirksen 1/15/59

86TH CONGRESS
1ST SESSION

H. R. 634

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1959

MRS. ST. GEORGE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To limit the appellate jurisdiction of the Supreme Court in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 81 of title 28 of the United States Code is amended by adding at the end thereof the following new section:

"§ 1258. Limitation on appellate jurisdiction of the Supreme Court

"Notwithstanding the provisions of sections 1253, 1254, and 1257 of this chapter, the Supreme Court shall have no jurisdiction to review, either by appeal, writ of certiorari,

or otherwise, any case where there is drawn into question the validity of—

"(1) any function or practice of, or the jurisdiction of, any committee or subcommittee of the United States Congress, or any action or proceeding against a witness charged with contempt of Congress;

"(2) any action, function, or practice of, or the jurisdiction of, any officer or agency of the executive branch of the Federal Government in the administration of any program established pursuant to an Act of Congress or otherwise for the elimination from service as employees in the executive branch of individuals whose retention may impair the security of the United States Government;

"(3) any statute or executive regulation of any State the general purpose of which is to control subversive activities within such State;

"(4) any rule, by law, or regulation adopted by a school board, board of education, board of trustees, or similar body, concerning subversive activities in its teaching body; and

"(5) any law, rule, or regulation of any State, or of any board of bar examiners, or similar body, or of any action or proceeding taken pursuant to any such

law, rule, or regulation pertaining to the admission of persons to the practice of law within such State."

(b) The analysis of such chapter is amended by adding at the end thereof the following new item:

"1258. Limitation on the appellate jurisdiction of the Supreme Court."